

Kingborough



COUNCIL MEETING AGENDA

NOTICE is hereby given that an Ordinary meeting of the Kingborough Council will be held in the Kingborough Civic Centre, 15 Channel Highway, Kingston on
Monday, 7 June 2021 at 5.30pm

Kingborough Councillors 2018 - 2022



Acting 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. 10 to be held on Monday, 7 June 2021 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, 1 June 2021

Public Copy

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GUIDELINES FOR PUBLIC QUESTIONS

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

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

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

Questions on Notice

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

Questions Without Notice

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

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

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

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

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

AGENDA of an Ordinary Meeting of Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Monday, 7 June 2021 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:

Acting Mayor Councillor J Westwood
Councillor S Bastone
Councillor G Cordover
Councillor F Fox
Councillor D Grace
Councillor A Midgley
Councillor C Street
Councillor S Wass
Councillor P Wriedt

4 APOLOGIES

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the open session of the Council Meeting No.9 held on 17 May 2021 be confirmed as a true record.

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

24 May – Kingborough Waste Services

31 May – Budget

7 DECLARATIONS OF INTEREST

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

8 TRANSFER OF AGENDA ITEMS

Are there any items, which the meeting believes, should be transferred from 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 CODE OF CONDUCT - PANEL DETERMINATION REPORT

Advice has been received from the Local Government Code of Conduct Panel (Minute C192/8-2021 refers) that the Panel have made its determination in relation to a complaint made by Cr Paula Wriedt against Cr David Grace.

Section 28ZK (4) of the Act requires that the General Manager is to ensure the Report is tabled at the first meeting of the Council at which it is practicable to do so and which is open to the public.

In summary, the Panel upheld the complaint against Cr Grace and determined that he had breached Part 7.1 (a), (b), and (c) and Part 7.2 of the Councillors Code of Conduct.

Pursuant to Section 28ZL(2)(b) of the Act, the Panel reprimands Cr Grace.

Pursuant to Section 28ZL(2)(c) of the Act, the Panel requires Cr Grace to apologise to Cr Wriedt for the threat he made against her, and to the Council for causing embarrassment at the workshop on 2 November 2020. This apology is to be made without reservation at the ordinary Council meeting at which this report is tabled. In the event that either Cr Wriedt or Cr Grace is unable to attend that meeting, the apology is to be made by Cr Grace at the next council meeting attended by Cr Wriedt.

Pursuant to Section 28ZI(2)(d), of the Act, the Panel requires Cr Grace to undertake at least six hours' training and/or counselling in anger management and appropriate workplace behaviour as determined by the Chief Executive Officer of the Local Government Association of Tasmania. The counselling and/or training is to be completed within six months of the tabling of this report.

The Panel Determination Report was tabled at the Council meeting held 3 May 2021. Cr Grace did not attend this meeting nor did he attend the Council meeting held on 17 May 2021.

Officer's response

Should both Cr Grace and Cr Wriedt be in attendance the Mayor may invite Cr Grace to address the meeting.

Gary Arnold, General Manager

10 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

11 QUESTIONS ON NOTICE FROM THE PUBLIC

11.1 Annual Rates Increases

Kingborough Ratepayers Association Inc submitted the following question on notice:

Council's LTFP identifies 2.8% annual rates increases for the next 10 years. In a recent Facebook post Dean Winter MP described the 2.8% as being 'average annual rate rises at long term CPI'. How is the figure of 2.8% derived and how frequently is it reviewed?

Officer's Response:

The Reserve Bank (RBA) set Monetary Policy with the aim to keep inflation between 2 and 3 per cent. The 2 to 3 per cent target range changes infrequently, it was set in the early 1990s and remains the target today. A change to this target would be considered as part of the next review of the Long Term Financial Plan.

Tim Jones, Manager Finance

11.2 Sale Prices of Public Land and Use of Funds

Kingborough Ratepayers Association Inc submitted the following question on notice:

Regarding Council Meeting Minutes 26/10/2020, item 17.1:

- a) *What sale prices were obtained for the four public land properties in Tarooma, Kingston and Blackmans Bay?*
- b) *What monies have been allocated for investment in Louisa Hinsby Park Tarooma, Willowbend Park Kingston, and Alamo Close Park and Donohoe Gardens Park at Blackmans Bay?*
- c) *When will work commence to redevelop these parks?*
- d) *What balance of remaining funds has been allocated to the Open Space Fund?*
- e) *Is there any progress from the community to develop the public open space site at Main Road Alonnah (known as PID 5061726) into a public recreation space?*

Officer's Response:

- a) The only property that has settled at this stage is the Mt Pleasant Road land that sold for \$425,000. The Roslyn Avenue block is under offer, whilst the land parcels in Tarooma and Hiern Road have yet to be put up for sale.
- b) Funds have yet to be allocated towards these projects.
- c) It is expected that community engagement in relation to the redevelopment of these spaces will occur in 2022.
- d) The balance of funds to go towards the Open Space fund won't be known until the sale prices are finalised and the cost of the playground works determined. In the case of the Mt Pleasant Road land, Council has resolved that the balance of funds not spent on the Willowbend Playground will be allocated to a new playground in the Spring Farm Estate.
- e) A draft landscape plan has been prepared.

Daniel Smee, Director Governance, Recreation & Property Services

11.3 Cost Savings

Karen Tantari on behalf of the Australian Services Union submitted the following questions on notice:

I refer to the last Council meeting, on 17 May 2021, at which Cr Cordover made comment around Council's financial position being improved and the total savings of around \$500,000. Cr Cordover questioned the reallocation of that \$500,000. My questions are in relation to this reallocation as well:

- To support the community, employees (many of whom are Kingborough ratepayers) were forced to carry the burden of COVID19 by incurring a pay freeze for the 2020/2021 financial year. Is it correct that Council's financial position has not been as significantly impacted by the pandemic as expected and budgeted?*
- Now that there is a saving of \$500,000, why has this Council not returned some of these savings to its employees by way of a wage increase for the 2020/21 year?*
- Would it not be appropriate to return the cost savings from the employees' pay freeze in 2020 back to the employees.*

Officer's Response:

The \$500,000 Cr Cordover was referring to was an allowance for COVID Relief Hardship Applications from Commercial Ratepayers. Whilst included in the budget it, and other COVID relief measures, were funded by an increase in the Underlying Deficit. To spend any of these savings would be contrary to the objectives of the Long Term Financial Plan and further erode Council's cash position.

Tim Jones, Manager Finance

12 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

13 QUESTIONS ON NOTICE FROM COUNCILLORS

13.1 Sharpes Road

At the Council meeting on 17 May 2021, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

What obligation does Council have in regards to Sharpes Road which is in fact not a Council road but leads to properties that pay rates to the Council and is in fact the only access to these properties?

Officer's Response:

Council maintains Sharps Road to 170 Sharps Road which is the last property at the end of this road. Council has no obligation to maintain the road further into this property.

David Reeve, Director Engineering Services

13.2 Bin at Blowhole Road

At the Council meeting on 17 May 2021, **Cr Midgley** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

Following on from my question at the last meeting, was there a bin that was directly below the blowhole sign? Was this bin relocated around the corner to the bottom end of the Mary Knoll Reserve as this is what the residents have told me?

Officer's Response:

Public rubbish bins are placed in areas where there is likely to be a generation of rubbish and are monitored as to their effectiveness based on the fullness of the bin. In this case a community member (over 12 months ago) requested for the bin to be located in a carparking area in Blowhole reserve be relocated to the nearby entrance to the walking path adjacent to Mary Knoll Reserve. An assessment of the bin was undertaken and it was shown to be underutilised and therefore was moved to better serve the needs of the community.

David Reeve, Director Engineering Services

13.3 Spraying at Kingston Park Playground

Cr Bastone submitted the following question on notice:

The other day I was at the new playground and there was someone spraying poison while I was there. I assume it was poison as he was gloved, he was wearing a mask and he had a large tank on his back. This was amongst the children. What sort of spray are we using and is this going to be a regular occurrence?

Officer's Response:

Broadleaf weed spraying was undertaken by a contractor as part of the 12-month maintenance requirements for the playground. This action did not occur in accordance with the provisions of Council's contract and the matter has been taken up with the contractor involved. Any spraying and fertilising required to be carried out in future will follow a strict process, including adherence to safety requirements specified in the maintenance contract. This includes a requirement to remove by hand any weeds from within the park, other than lawn areas which may be sprayed for broadleaf grasses on a quarterly basis and subject to the safety provisions of the contract.

Daniel Smee, Director Governance, Recreation & Property Services

13.4 Abatement Notices

Cr Bastone submitted the following question on notice:

How many abatement notices for fire hazards or weed infestations have been issued in the last 12 months in Kingborough and, in particular, on Bruny Island.

Officer's Response:

Between 1 July 2020 and May 2021, 16 fire abatement notices were issued, including one for Bruny Island. Between 1 July 2020 and May 2021, nine requirement notices were issued for weeds, including two for Bruny Island.

It is relevant to note, that as of 12 January 2021 the Weed Crew introduced a new method to capture data for weed notifications and utilise this data directly with a mail merge system. This has allowed for not only more efficient sending of notifications but also ease of reporting. Since the

introduction of this system 54 weed notifications have been issued which comprised 32 for Bruny Island residents and 22 for the remainder of the municipality.

Scott Basham, Compliance Coordinator

13.5 Removal of Pine Trees, Allens Rivulet Road

At the Council meeting on 17 May 2021, **Cr Cordover** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

On page 156 of the Agenda, could I have more detail about why the pine trees were removed on the Allens Rivulet Road, how long it took and whether there are plans for planting there?

Officer's Response:

Council has been working with the property owner for quite some time to manage the pine trees along on old boundary fence and the actual property boundary. The pines are an environmental weed and Council has been pruning these from the boundary for many years. A shared cost arrangement was entered into with the property owner to remove the trees providing a good outcome for both parties. Any future replanting will need be taken into consideration with consultation with the property owner.

David Reeve, Director Engineering Services

13.6 Seating at Lunawanna

At the Council meeting on 17 May 2021, **Cr Midgley** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

On page 161 of the agenda, regarding the Lunawanna seating, what is our policy around putting in seating that is wheelchair friendly similar to the ones in Kingston Park?

How do we decide whether to put seating like this or whether we put seating that is accessible for people with mobility problems.

Officer's Response:

The picnic setting provided at Lunawanna is a commissioned memorial, paid for (in-full) by the proponent (a local family) and coordinated directly with the proponent and the Crown. The picnic setting is subject to a licence agreement with the Crown and will be managed by Council on behalf of the proponent in accordance with Council's Memorials Policy and a Crown licence.

The 'Kingborough Disability Inclusion and Access Policy' applies to the provision of inclusive street and park furniture, in addition to Council's obligations under relevant disability discrimination legislation and associated Australian Standards. The Policy requires Council to consider universal design themes and, where possible, to apply these to Council initiatives. It also requires Council to, as far as possible, design public facilities for equitable use.

With respect to the Lunawanna picnic setting, Council does not own or maintain the land directly adjacent to the picnic setting. The proponent for this project requested that all associated infrastructure be minimised (meaning parking upgrades and the provision of accessible formed pathways did not form part of the scope for works for this project). The constraints of this project were such that it was not considered appropriate to provide a wheelchair accessible picnic setting in this location as the necessary associated facilities (such as DDA-compliant parking and pathways) were unable to be provided as part of the discrete project.

In all other instances, serious consideration would be given to providing an inclusive picnic setting where DDA-compliant parking facilities and DDA-compliant formed pathways are available (or form part of the scope of works). All street and park furniture provided in conjunction with classified building works (under the National Construction Code), such as the Kingborough Community Hub and Kingston Park playground, are provided in accordance with the relevant Australian Standards, including 'AS1428.2 – 1992 (Design for Access and Mobility – Part 2: enhanced and additional requirements – buildings and facilities) and the policies outlined above.

Paul Donnelly, Urban Designer

13.7 Community Assistance Grant

Cr Midgley submitted the following question on notice:

How are we promoting the Quick Response Community Assistance grant to the Kingborough community?

Officer's Response:

While the Rapid Response program was approved following the review of Community Grants (late last year), the grant program had already been set for this financial year. The Rapid Response program will come into effect in the new Financial Year. In the interim the Mayor's discretionary fund has been used to provide support outside grant rounds.

Dr Katrena Stephenson, Director Environment, Development & Community

13.8 Dennes Point Cafe

Cr Bastone submitted the following question on notice:

In 2015 the Council gave a new lease to the then lessee of the Dennes Point Cafe/shop. The lease was to commence in 2016 for 3 years with a 3x3 extension. This lease was awarded on the basis that the existing lease conditions were retained and that every 3 years the commercial rent was to be determined by an independent assessment and in the intervening years there was to be a CPI adjustment:

1. *Has this happened? If not why not?*

Councillors are probably not aware that the nature of the Business has changed substantially, it no longer operates as a shop, is only open Friday nights from 5-7.30pm, Saturday as a Cafe from 8.30-11.00am then selling pizza from noon till 8pm and Sunday a cafe from 8.30 - 11am and then pizzas from noon till 3pm. You must make a booking to eat there, preferably 24 hours before and takeaways also need to be booked ahead. (These hours are from their website and I confirmed by telephone). The reviews on trip advisor are not good, mostly regarding the rudeness of staff. As this is a Council owned asset the poor service reflects badly upon us. The original intent was for this building to be a community asset stocking basic items such as milk, bread, eggs etc. as well as a cafe for locals and tourists. This no longer happens.

2. *What steps can council take to make sure that the original intent of this being the Nth Bruny "shop" is maintained?*

3. *Could council contact the writers of testimonials and ascertain if their testimonials are still valid?*

4. *Were there any KPIs written into the very first lease?*

Officer's Response:

1. Yes, rental has been independently reviewed every three years and adjusted by CPI annually.
2. Contact could be made with the lessee to discuss this issue, however, there are no provisions within the lease agreement with respect to the sale of goods.
3. It would be highly unusual for Council to take action of this nature.
4. No

Daniel Smee, Director Governance, Recreation & Property Services

13.9 Youth Services

Cr Midgley submitted the following question on notice:

What youth services eg mental health, government and non-government services are available for young people (12-25) in Kingborough?

Officer's Response:

A number of services have a presence in, or are available to, young people in Kingborough. These include:

- School counsellors/psychologists/nurses/social workers
- GP's and other health care professionals including allied health services
- Headspace (Located in Hobart – note that Headspace does not provide a drop-in service). Young people in Kingborough can access Headspace with a referral or *ehespace* (free online and telephone support and counselling)
- Brave Foundation – teenage pregnancy and parenthood
- Pulse Health South (located in Glenorchy) - outreach to Kingborough schools on demand and one to one sessions with Kingborough-based young people on request. Self-referral available and tele health.
- Council staff have recently commenced engagement with the Royal Flying Doctors Service, currently delivering some primary health services on Bruny and in the Huon, including youth mental health outreach service in Huonville which can be accessed by young people in Kingborough.
- The State Government will be implementing the second stage of the Kingston Health Centre and are about to commence engagement with Council on that project. It is not yet clear what additional services may be provided.

Dr Katrena Stephenson, Director Environment, Development & Community

13.10 Buses in Kingborough

Cr Midgley submitted the following question on notice:

1. *When are frequent buses going to start in Kingborough?*
2. *What is happening with the audit of bus shelters in Kingborough?*

Officer's Response:

1. The State Government is looking at adding some additional express bus services to Kingborough and it is expected they will start transitioning into service early in the new financial year. With the completion of the uplift of services expected in early 2022.
2. The State Government is undertaking a DDA compliance audit on bus shelters and have completed the audit of the shelters in Kingborough. The information from the audit is currently being assessed and there will be engagement with Council officers to discuss the findings and the next steps.

David Reeve, Director Engineering Services

13.11 Electric Vehicle Charging Stations

Cr Midgley submitted the following question on notice:

Is there going to be any electric vehicle charging stations in Kingston Park in the near future?

Officer's Response:

It is hoped that, as part of a regional funding application to the Commonwealth Government, a publicly accessible fast charge facility could be installed in Kingston prior to the end of 2021. The exact location of the potential facility is still to be decided.

Dr Katrena Stephenson, Director Environment, Development & Community

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

14 OFFICERS REPORTS TO PLANNING AUTHORITY

14.1 DEVELOPMENT APPLICATION FOR CHANGE OF USE FROM RESIDENTIAL TO VISITOR ACCOMMODATION AT 40 FLINDERS ESPLANADE, TAROONA

File Number: DA-2021-92
Author: Mashal Moughal, Planning Officer
Authoriser: Tasha Tyler-Moore, Manager Development Services

Applicant:	Mr B Tsourdalakis and Mrs S Tsourdalakis
Owner:	Mr B Tsourdalakis and Mrs S Tsourdalakis
Subject Site:	40 Flinders Esplanade, Taroona (CT 12198/28)
Proposal:	Change of use from residential to visitor accommodation
Planning Scheme:	Kingborough Interim Planning Scheme 2015
Zoning:	Low Density Residential (Area C)
Codes:	E3.0 Landslide E6.0 Parking and Access E7.0 Stormwater Management E10.0 Biodiversity E16.0 Coastal Erosion Hazard E25.0 Local Development
Use Class/Category:	Visitor Accommodation
Discretions:	- Planning Directive 6 Clause A1 (b) - Floor area of existing dwelling greater than 200m ² . - Clause E3.6.2 A2 - Vulnerable Use in Landslide Hazard Area
Public Notification:	Public advertising was undertaken between 24 April 2021 and 7 May 2021 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i>
Representations:	There were three (3) submissions received opposing the application. The grounds of the submissions are: - Impact on Privacy - Parking and Access requirements - Floor area - Impact on character of the area
Recommendation:	Approval subject to conditions.

1. PROPOSAL

1.1 Description of Proposal

The application is seeking approval for the change of use of the dwelling at the subject site from residential to visitor accommodation. The combined gross floor area of both levels of the building is 220m². There are at least two (2) on-site car parking spaces for the guests within site.

The application is for a change of use only and accordingly no other building works are proposed under the subject application.

1.2 Description of Site

The subject site proposed for the change of use is 40 Flinders Esplanade, Taroona which is described as Lot 28 on Sealed Plan 12198 and is 784m² in area. The lot is zoned Low-Density Residential (Area C) and is surrounded by lots of similar sizes and zoning. The surrounding lots are predominantly of residential use with one or two storey single dwellings (see figure 1).



Figure 1- Context Map

The site currently has a 2-storey dwelling with the upper storey (entry level) of the dwelling containing two bedrooms (one with ensuite), bathroom, laundry, kitchen and open living and dining areas which fronts on to an outdoor deck and pool area. The lower floor of the dwelling contains a garage, living area, bedroom, and toilet. The living area and bedroom on the lower level has glazed sliding doors which provide access to the rear of the property that backs on to a coastal reserve. There is also a set of external stairs which connect the lower level to the deck and pool on the upper floor (see figure 2). The subject property and most of Flinders Esplanade is subject to the *Landslide*, *Biodiversity*, *Coastal Erosion Hazard*, and the *Local Development Code* Overlays.



Figure 2- Property Aerial and Floor Plans

1.3 Background

Council records indicate the house on this site predates the 1970s. The house has undergone various renovations in the form of additions and extensions over the years. The most recent development undertaken was the addition of the swimming pool (DA-2008-323) and the boundary wall (DA-2008-516).

At the time of the development of the pool and boundary wall, various concerns including, but not limited to, privacy, noise and safety were raised by previous adjoining neighbours. The issue was responded to by the previous owner of 40 Flinders Esplanade by increasing the boundary wall height from the proposed 2.1m to 2.8m.

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 (Area C).

The relevant zone purpose statements of the Low-Density Residential Zone (Area C) are to:

12.1.1.2 To provide for non-residential uses that are compatible with residential amenity.

As per the detailed assessment below, the visitor accommodation use is considered to be compatible with the residential amenity of the area.

Clause 12.1.2 – Local Area Objectives and Desired Future Character Statements

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

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

The proposal complies with the above-mentioned statements and objectives as the dwelling is existing and no further changes are proposed to the built form/natural landscape. Therefore, the proposed change of use does not trigger non-compliance with either the Local Area Objectives or the Desired Future Character Statements specified for Taroona.

2.3 Statutory Planning

The use is categorised as Visitor Accommodation under the Scheme. The dwelling is not used by the owner or occupier as their main place of residence. The whole dwelling

is proposed to be used for visitor accommodation. Therefore, the 'Home-Sharing' Exemption under the Planning Directive No.6 (the Directive) does not apply.

The proposed Visitor Accommodation is a 'Permitted' use under the Directive. Visitor Accommodation also has a 'Permitted' status under the Low Density Residential zone pursuant to the Scheme. The Directive overrides the Scheme in case of any inconsistencies.

Whilst the application is classified as a Permitted use, it relies on Performance Criteria to comply with the Directive and Scheme provisions and is therefore Discretionary.

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:

Planning Directive No. 6 Visitor Accommodation

Acceptable Solution
<p><i>A1--Visitor Accommodation must:</i></p> <ul style="list-style-type: none"> (a) <i>accommodate guests in existing habitable buildings; and</i> (b) <i>have a gross floor area of not more than 200m² per lot.</i>
Performance Criteria
<p><i>P1--Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</i></p> <ul style="list-style-type: none"> (a) <i>the privacy of adjoining properties;</i> (b) <i>any likely increase in noise to adjoining properties;</i> (c) <i>the scale of the use and its compatibility with the surrounding character and uses within the area;</i> (d) <i>retaining the primary residential function of an area;</i> (e) <i>the impact on the safety and efficiency of the local road network; and</i> (f) <i>any impact on the owners and users rights of way.</i>
Proposal
<p>The proposal is to use the existing dwelling, which has a floor area of approx. 220m², for Visitor Accommodation and therefore relies on assessment against the performance criteria.</p>

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

The change of use does not adversely impact:

- (a) The privacy of adjoining lots, as the dwelling is existing and no further development is proposed. The structural and natural features of the property will remain the same as for the existing residential use. Also, the visitor accommodation use, like the residential use, aims to provide a place for occupancy. Consequently, the activities of the guests will be no different to having long term occupants. Therefore, as no new works or non-residential uses

will be undertaken on site, additional privacy treatment on the property will not be required.

- (b) The noise emissions, as the visitor accommodation and residential uses are similar in nature with the key difference being the length and frequency of occupants residing at the property.
- (c) The scale of the use, as there is no further development proposed to further increase the floor area to accommodate the guests. The dwelling has 3 bedrooms to provide sufficient space for guests and does not require additional rooms. Also, the difference in floor area of the existing dwelling (220m²) and the specified maximum floor area under the Acceptable Solution (200m²) is marginal. It is important to note the floor area calculation also includes elements such as stairs and entry ways which cannot be used for habitation purposes. Therefore, the proposed change of use will be compatible with the surrounding character and uses within the area.
 - A standard condition of approval applied to all visitor accommodation use and development has been recommended for inclusion in any planning permit to ensure the development and use does not impact on the amenity of the surrounding area.
- (d) The primary residential function of the area, as both visitor accommodation and residential uses are similar, as both provide opportunity for users to occupy a place for habitation purposes. As mentioned previously, the key difference is the length in stay at the property. Further research was undertaken by using relevant visitor accommodation platforms such as Airbnb to see how many properties are currently operating as visitor accommodation. The search revealed that there were approximately five (5) sites near Flinders Esplanade being utilised as visitor accommodation (see Figure 3). Thus, the change of use of the subject property will not impact the primary residential function of Flinders Esplanade or the surrounding area.

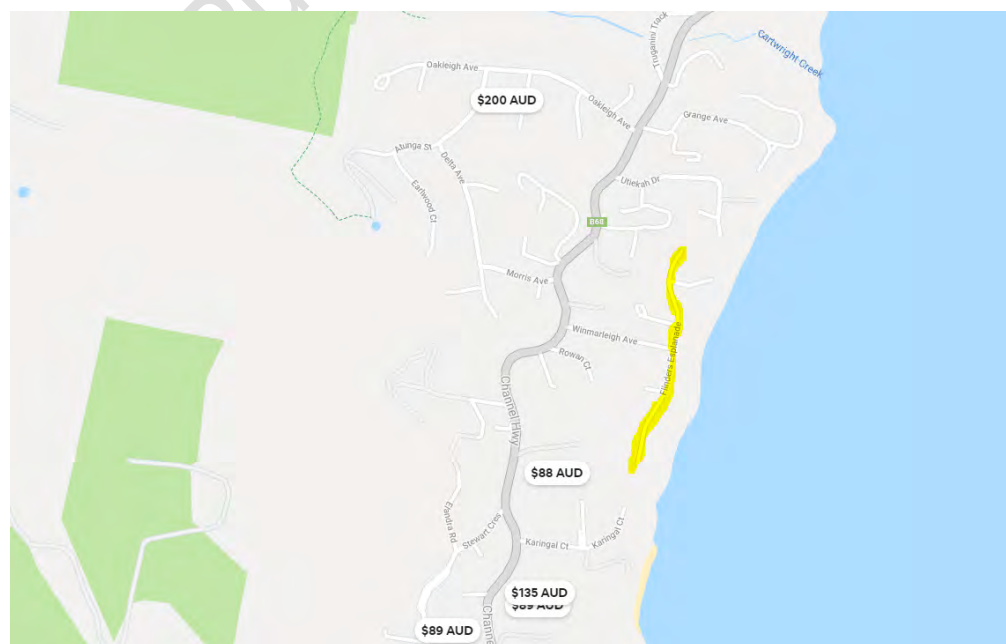


Figure 3- Current Visitor Accommodation Sites near Flinders Esplanade
(www.airbnb.com.au/Taroona)

- (e) The safety and efficiency of the local road network, as cars will not be utilising the road for carparking with the property providing two (2) carparking spaces within the garage. The required spaces for visitor accommodation (holiday unit) are one (1) carparking space per unit.
- (f) There are no private rights of way that could be impacted by the proposed change of use to visitor accommodation.

Landslide Code

Clause E3.6.2 Vulnerable Use

Acceptable Solution
<i>A2-- No acceptable solution.</i>
Performance Criteria
<p><i>P2-- Vulnerable use must satisfy all of the following:</i></p> <ul style="list-style-type: none"> <i>a) No part of the vulnerable use is in a High Landslide Hazard Area;</i> <i>b) Landslide risk to occupants, staff, visitors and emergency personnel associated with the vulnerable use is either:</i> <ul style="list-style-type: none"> <i>i. acceptable risk; or</i> <i>ii. capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk.</i> <i>c) Landslide risk to occupants, staff and visitors takes into consideration their specific circumstances including their ability to:</i> <ul style="list-style-type: none"> <i>i. protect themselves and defend property from landslide;</i> <i>ii. evacuate in an emergency;</i> <i>iii. understand and respond to instructions in the event of a landslide;</i> <p><i>whilst minimising risk to emergency personnel.</i></p>
Proposal
A vulnerable use, as defined in the Landslide Code, includes visitor accommodation. There is no acceptable solution and therefore the proposal must be assessed against the performance criteria.

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

An assessment of the Landslide Risk was provided by a suitably qualified person (GES, 15/04/2021) and this assessment confirms the proposed development complies as follows:

- no part of the development is within a high landslide hazard area;
- the risk is acceptable; and
- the submitted evacuation plan details the location of the exits and assembly points in the event of an emergency.

A condition should be included in any permit issued requiring the evacuation plan to be displayed in a prominent location within the visitor accommodation.

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 24 April 2021 to 7 May 2021). Three (3) representations were received during the public exhibition period. The following issues were raised by the representors:

2.5.1 Noise

Likely increase in noise emissions was raised by all representors. The representors were concerned that the change of use from long term accommodation to short term stay may:

- Result in constant visitors to the area during key events like *Dark Mofo* and *Taste of Tasmania*, which may result in increased noise emissions.
- Result in the property becoming a 'party house'.
- The outdoor entertainment unit (speakers) on the deck will further amplify the noise emissions. The concern is that the outdoor entertainment features will market the property to be suitable for outdoor activities and result in further noise issues.
- Increased noise emissions near the pool and deck area which are within close proximity to the habitable rooms (living area and bedroom) of the neighbouring property. The current boundary wall between the subject lot and the neighbouring property is not considered sufficient to block off noise (normal conversations) from 40 Flinders Esplanade.

One of the representors contacted Council to discuss their submitted representation and emphasised their concern of increased noise and loss of privacy. They have advised that they would like the applicant to consider measures such as extending the shared boundary wall with acoustic barriers to reduce impact on their property.

Response

As discussed above, the noise standards under the planning scheme do not apply to visitor accommodation and therefore conditioning operational hours for visitor accommodation is not feasible under the Scheme. Notwithstanding, the matter of noise issues was discussed with the applicant who advised that they were willing to restrict noise levels on the property during certain periods/time of the day. However, noise restrictions are not enforceable for residential and visitor accommodation uses under the Planning Scheme.

Generally, matters of privacy and noise surrounding the boundary wall are a civil matter. However, the matter needs to be resolved by both adjoining property owners and any works proposed are likely to be subject Council approval.

It should be noted that the *Land Use Planning and Approvals Act 1993* does not cover matters surrounding occupancy levels or overcrowding. These are covered under the *Building Regulations 2016*, Part 6.

Also, noise issues arising from potential anti-social behaviour are subject to Police enforcement and are not regulated by Council or the *Environmental Management and Pollution Control Act 1994*.

2.5.2 Floor Area

One representor raised concerns that the proposal does not satisfy Clause 12.3.2 Acceptable Solution A1 (c) as the floor area of the dwelling is greater than the specified 160m².

Response

Planning Directive 6 overrides the visitor accommodation provisions of the Scheme and therefore Clause 12.3.2 of the Low-Density Residential zone does not apply. The floor area of the proposal has been assessed in detail above in relation to the provisions of the Planning Directive and the proposal is considered to be consistent with the requirements of the relevant Performance Criteria.

2.5.3 Parking & Access

The representors raised concerns that the property may not be able to satisfy the Parking and Access requirements and provide sufficient parking on-site to satisfy the Acceptable Solution of the Zone Requirements. Also, not being able to provide on-site parking may result in impact on the street character.

Response

The change of use complies with the parking and access requirements of the Scheme. The impacts on character of the area have been addressed in the body of the report above. Also, the Planning Directive 6 overrides the visitor accommodation provisions in Clause 12.3.2 A1 of the Low-Density Residential zone.

2.5.4 Proximity

One of the representors raised concerns that the existing dwellings shown on the advertised aerial image was incorrect.

Response

The image shown on the advertised plans was generated by Council as a reference and was not part of the submitted application drawings. It is acknowledged that the boundaries shown on the GIS image are not exact and do not accurately reflect existing conditions. The matter is not relevant to the planning assessment and recommendations.

2.5.5 Privacy/Trespassing and House Damage

One representor raised concerns that the existing shared boundary wall adjoining the pool is not sufficient to provide screening between the pool and habitable rooms of neighbouring lot. The representor, is concerned that anyone standing close to the pool can look directly into their windows and provided images (see figures 3, 4 & 5) to highlight their concern.

The representor also advised that, in the past, there have been issues with items falling on the neighbouring property, which has resulted in people trespassing by jumping over the boundary wall to collect them.



Figure 4- Setback - Image provided by representator



Figure 5- Setback from habitable rooms - Image provided by representator



Figure 6- View Lines - Image provided by representator

Response

The site was inspected during the assessment period and the following was noted:

- Images taken from viewpoints 1, 2 and 3 on the reference plan (see figures 9, 10 and 11) show that there is adequate separation between the windows and there is no direct view into the windows from those positions.
- Also, one of the windows shown in figure 9 has obscure glazing and therefore has privacy measures in place to provide screening from the deck.
- It has been noted that the distance from the window shown in figure 7 and again in figure 9, is approximately 2.3m from the boundary wall. The height of the wall is approximately 1.6m from finished floor level (see figure 8). Even though the separation does not meet the specified separation distance of 3m, the height of the wall is adequate to provide screening between both properties.
- The image taken from viewpoint 3 (figure 9), which is the corner of the deck close to the pool, does raise concerns for privacy. As the dwelling is existing it is not possible to recommend installation of additional measures on the boundary wall unless it is agreed upon by the applicant. Also, privacy measures (obscure glazing) similar to the window shown in figure 8 can be undertaken by the neighbouring property to address the matter.



Figure 7- Image Reference Plan

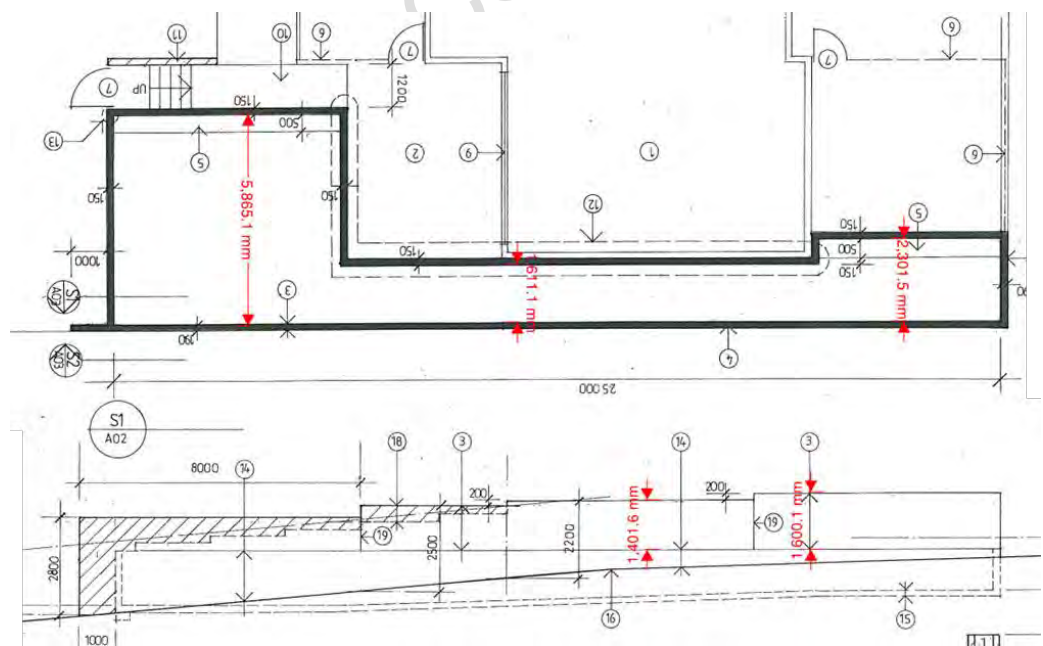


Figure 8- Setbacks and Wall height (BA-366-2008)



Figure 9- View from Point 1 (taken by Council Planner)



Figure 10-View from Point 2 (taken by Council Planner)



Figure 11- View from Point 3 (taken by Council Planner)



Figure 12-View from Point 4 (taken by Council Planner)

- The matters of house damage and associated works for improvement are largely not planning matters and will be ongoing regardless of the use of the property. The issues require consideration and thought to be given by both property owners to resolve the issue.
- The applicant or adjoining neighbour can either collectively or independently undertake further works on the shared boundary wall to address the concerns. However, as mentioned previously, any works on the shared boundary wall will be subject to further assessment.

3. CONCLUSION

This application is seeking approval for the change of use from residential to visitor accommodation at 40 Flinders Esplanade, Taroom. The proposal complies with the relevant Acceptable Solutions and Performance Criteria of the Planning Directive No.6 and the Scheme. The concerns raised by the representatives regarding noise emissions and loss of privacy are largely not planning matters and general amenity conditions have been recommended. It is therefore recommended that a planning permit be granted subject to standard conditions reflecting the above discussion.

4. RECOMMENDATION

That the Planning Authority resolves that the development application for change of use from residential to visitor accommodation at 40 Flinders Esplanade, Taroom for Mr B Tsourdalakis and Mrs S Tsourdalakis be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DA-2021-92 and Council Plan Reference No. P1 & P2 submitted on 23 February 2021 & 16 April 2021. 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. The use and development must be managed so that the amenity of the area is not detrimentally impacted upon through any of the following:
 - (a) Appearance of any building, works or materials;
 - (b) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater or waste products (rubbish).
3. The visitor accommodation is for short term stay only. Accommodated guests must not stay any longer than a total of three (3) months on any one occasion.
4. Guests must park within the designated car parking area for the subject site.
5. Ongoing management of the site must be in accordance with the Landslide Hazard Emergency requirements for the site prepared by GES dated 15/04/2021. The Landslip Evacuation Plan must be displayed at the property at all times, unless otherwise approved in writing by Council.

ADVICE

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

If your development involves demolition, new buildings or alterations to buildings (including plumbing works or onsite wastewater treatment) it is likely that you will be required to get approvals under the *Building Act 2016*. Change of use, including visitor

accommodation, may also require approval under the *Building Act 2016*. Advice should be sought from Council's Building Department or an independent building surveyor to establish any requirements.

- C. This permit does not include approval for any signage to be erected on site. Further approval may be required for the erection of signage on the site.

ATTACHMENTS

1. **Locality Plan**
2. **Assessment Checklist**
3. **Plans**

Public Copy

Locality Plan



PLANNING DIRECTIVE NO. 6 PROVISIONS

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
Visitor Accommodation (PD6)	A1 - Visitor accommodation must: (a) accommodate guests in existing habitable buildings; and (b) have a gross floor area of not more than 200m ² per lot.	(a) ✓	(b) ✓		A1 – (a) Complies, as guests will be accommodated in an existing habitable building (dwelling). (b) Does not Comply - The floor area of the dwelling is approx..220m ² and therefore does not satisfy A1.
	A2 – Visitor accommodation is not for a lot, as defined in the <i>Strata Titles Act 1998</i> , that is part of a strata scheme where another lot within that strata scheme is used for a residential use.	✓			A1 – Complies - The property is not a stratum titled lot.

Zone Provisions

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
12.3 Use Standards					
Non- Residential Use (12.3.1).	A1- Hours of Operation must be within: a) 8.00 am to 6.00 pm Mondays to Fridays inclusive; b) 9.00 am to 12.00 noon Saturdays; c) nil Sundays and Public Holidays; <u>except for office and administrative tasks or visitor accommodation.</u>			N/A	A1- This clause does not apply to visitor accommodation.
	A2- Noise emissions measured at the boundary of the site must not exceed the following: a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;	✓			A2- Complies - There is no plant or equipment proposed that would be likely to exceed the noise emission levels in clause 12.3.1 A2. However, as it has been raised in representations

CLAUSE	COMPLIES?			COMMENTS
	YES	NO	N/A	
b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am; c) 65dB(A) (LAm _{ax}) at any time.				made that there is an existing outdoor entertainment unit that could potentially impact noise levels, a condition is recommended to be included on any permit requiring removal of any external sound amplifying equipment. NOTE: Noise issues arising from potential anti-social behaviour would not be considered under Clause 12.3.1 A2/P2 as they cannot be assessed under the environmental harm provisions of EMPCA.
A3- External lighting must comply with all of the following: a) be turned off between 6:00 pm and 8:00 am, except for security lighting; b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.			N/A	A3- complies – the nature of the use would not result in any unreasonable usage of external lighting between 6.00pm and 8.00am.
A4- Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 20 vehicle movements per day and be within the hours of: a) 7.00 am to 5.00 pm Mondays to Fridays inclusive; b) 9.00 am to 12 noon Saturdays; nil on Sundays and Public Holidays.			N/A	A4- Complies – the nature of the use would not exceed 20 commercial vehicle movements per day

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
12.4 Development Standards for Buildings and Works					
Setbacks and building envelope (Cl. 12.4.2)	A1 – setback from frontage			N/A	A1– This clause is not triggered as no changes to existing setbacks are proposed.
	A2 - setback from frontage for carport/garage			N/A	A2-- No changes to existing garage are proposed.
	A3 – containment within the building envelope			N/A	A3-- No changes to existing building proposed.
	A4 – Impact on trees			N/A	A4- no development proposed that will impact on any trees
Site coverage and private open space (Cl. 12.4.3)	A1 – (a) site coverage 25% A1 – (b) pervious surfaces 25%			N/A	A1 – (a/b) change of use only.
	A2 - Area of POS: - Area - Minimum dimension - Accessible & adjacent to habitable room - Location/ orientation - Location/frontage - Gradient - Vehicle access/parking			N/A	A2-- No changes to existing POS are proposed.
Sunlight and overshadowing (Cl. 12.4.4)	A1 – location of habitable rooms (north)			N/A	A1 – no changes to existing building proposed.
Width of openings for garages and carports (Cl. 12.4.5)	A1 – width of garage openings			N/A	A1 – no changes proposed to garage opening.
Privacy (Cl. 12.4.6)	A1 – setbacks for balconies, decks, roof terrace, parking spaces and carports			N/A	A1 & A2– The dwelling is existing, and no new development is proposed to trigger privacy measures.
	A2 – setbacks and separation for windows of habitable rooms			N/A	It has been noted that there have been concerns raised by representators regarding privacy along the existing shared boundary wall which will be addressed in the report.

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
Frontage fences (Cl. 12.4.7)	A1 – maximum height of fences			N/A	A1 – No changes proposed to existing fencing.

Code Provisions

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
E3.0 Landslide Code					
Hazardous use (Cl.E3.6.1)	A1 Hazardous use relates to an alteration or intensification of an approved use.			N/A	A1/ A2--The proposed change of use does not qualify as a hazardous use and therefore is not applicable.
	A2- No acceptable solution.				
Vulnerable use (Cl.E3.6.2)	A1 - Vulnerable use is for visitor accommodation.	✓			A1- Complies, as the use is for visitor accommodation.
	A2 – No acceptable solution		X		A2- Does not Comply. The clause has no acceptable solution and requires assessment against the performance criteria.
Buildings and works, other than minor extensions (see definition) (Cl.E3.7.1)	A1 – No acceptable solution (requires assessment against performance criteria)			N/A	A1- No buildings and works proposed.
Minor extensions (see definition) (Cl.E3.7.2)	A1 – Buildings and works for minor extensions located in medium landslide hazard area			N/A	A1– N/A, no buildings and works proposed.
Major works (see definition) (Cl.E3.7.3)	A1 – No acceptable solution (requires assessment against performance criteria)			N/A	A1– No works proposed.
E6.0 Parking and Access Code					
Use standards – number of car parking spaces (Cl.E6.6.1)	A1 - Number of on-site car parking spaces complies with table	✓			A1 – Complies. The property provides for two (2) spaces within the garage and the required spaces for visitor accommodation is one (1) car space per unit.

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
Number of vehicular accesses (Cl.E6.7.1)	A1 – Number of vehicle access points complies	✓			A1 – Complies, no changes to existing.
Design of vehicular accesses (Cl.E6.7.2)	A1 – Design of vehicle access points complies	✓			A1 – Complies, no changes to existing.
Vehicular Passing Areas Along an Access (Cl.E6.7.3)	A1 – Vehicular passing areas comply			N/A	A1 – N/A, no changes to existing.
Layout of parking areas (Cl.E6.7.5)	A1 – Layout and compliance with Australian Standard	✓			A1 – Complies, no changes to existing.
Surface treatment of parking areas (Cl.E6.7.6)	A1 – Parking spaces and vehicular circulation surfaces provided	✓			A1 – Complies, no changes to existing.
Access to a road (Cl.6.7.14)	A1 – Access to a road complies with road authority requirements	✓			A1 – Complies, no changes to existing.
E7.0 Stormwater Management Code					
Stormwater drainage and disposal (Cl.E7.7.1)	A1 – Disposal of stormwater to public infrastructure	✓			A1 – Complies, no new roof structures are proposed.
	A2 – Sensitive design of stormwater system incorporates water sensitive urban design principles			N/A	
	A3 – Design of minor stormwater drainage system			N/A	
	A4 – Design of major stormwater drainage system			N/A	
E10.0 Biodiversity Code					
While the proposed development is within a Biodiversity Protection Area, no building or works proposed, therefore Code E10.0 is not triggered.					
E16.0 Coastal Erosion Hazard					
Use standards – change of use of habitable buildings (Cl.E16.6.1)	A1 – No acceptable solution (requires assessment against performance criteria)			N/A	A1- The dwelling is a habitable building.

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
Buildings and works (Cl.E16.7.1)	A1 – No acceptable solution (requires assessment against performance criteria)			N/A	A1- No works proposed.
E25.0 Local Development Code					
Proposed application is for change of use of existing dwelling to non-residential use and therefore the code does not apply.					

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

Public Copy



Kingborough Council

Development Application: DA-2021-82

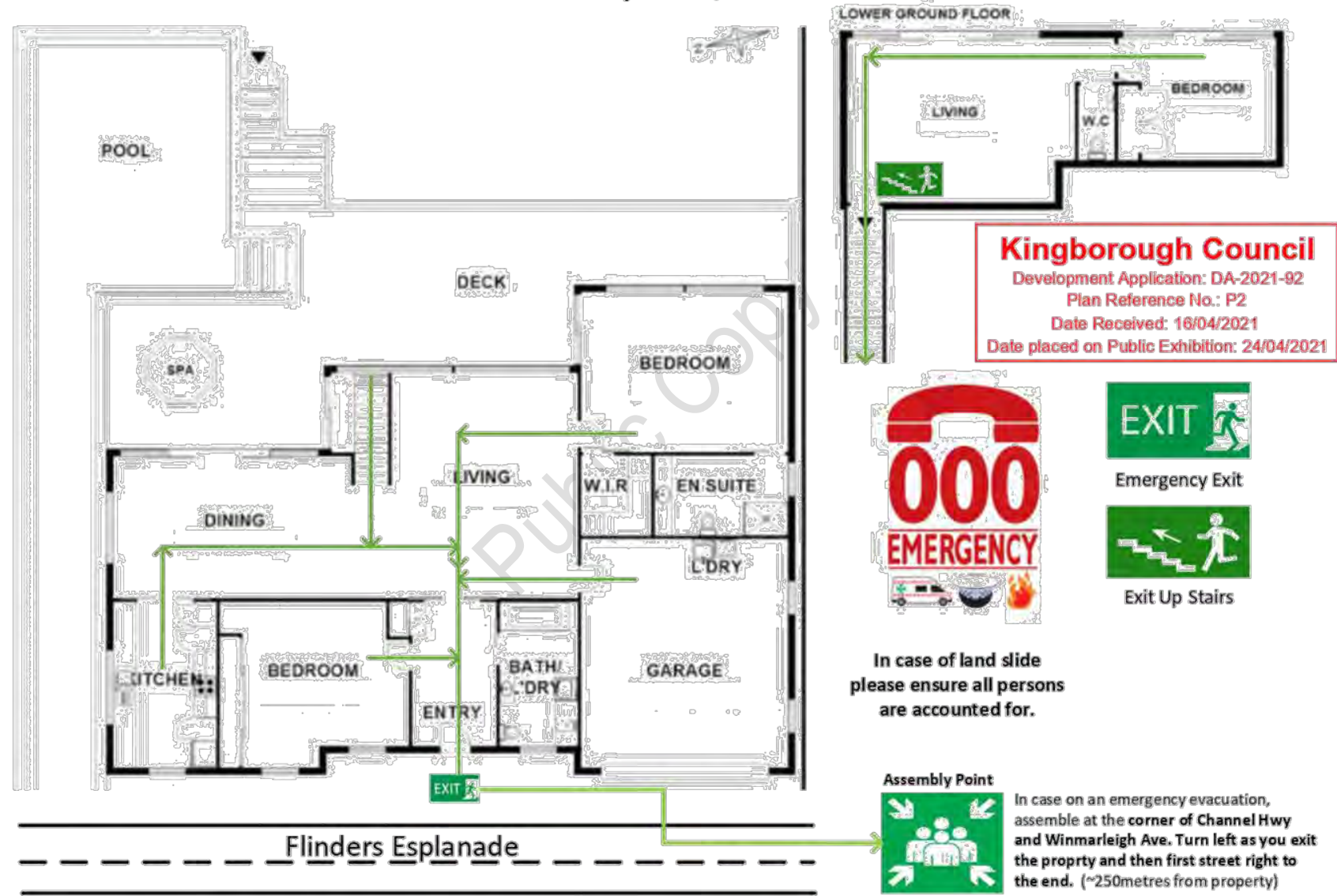
Plan Reference No.: P1

Date Received: 23/02/2021

Date placed on Public Exhibition: 24/04/2021

Evacuation Diagram

40 Flinders Esplanade, Tarooma



14.2 DA 2020-480 - DEVELOPMENT APPLICATION FOR 30 MULTIPLE DWELLINGS AND SIGN AT 15 HOME AVENUE, BLACKMANS BAY

File Number: DA-2020-480
 Author: Timothy Donovan, Senior Planning Officer
 Authoriser: Tasha Tyler-Moore, Manager Development Services

Applicant:	JMG Engineers & Planners
Owner:	Roman Catholic Church Trust Corporation of the Archdiocese of Hobart
Subject Site:	15 Home Avenue, Blackmans Bay
Proposal:	30 Multiple Dwellings and Ground Based Sign
Planning Scheme:	Kingborough Interim Planning Scheme 2015
Zoning:	General Residential, Low Density Residential (Area C) and Open Space
Codes:	E1.0 Bushfire Prone Areas E3.0 Landslide (Low) E6.0 Parking and Access E7.0 Stormwater Management E10.0 Biodiversity E11.0 Waterway and Coastal Protection E17.0 Signs E25.0 Local Development
Use Class/Category:	Residential/Multiple Dwelling
Discretions	Cl. 10.4.2 A4 Setbacks and building envelope for all dwellings Cl.10.4.3 A2 Site coverage and private open space for all dwellings Cl.10.4.4 A1 Sunlight and overshadowing for all dwellings Cl.10.4.4 A2 Sunlight and overshadowing for all dwellings Cl.10.4.8 A1 Waste storage for multiple dwellings Cl.E10.7.1 A1 Buildings and Works Cl.E17.6.1 A1 Use of Signs Cl.E17.7.1 A1 Development Standards (Signs)
Public Notification:	Public advertising was undertaken between 31 March 2021 and 16 April 2021 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i> .
Representations:	Six (6) representations were received against the proposal. The submissions raised the following grounds: <ul style="list-style-type: none"> The proposed development is unable to meet the Acceptable Solutions of the General Residential Zone. The development is required to comply with the conditions of the subdivision approval DAS-2018-15 by the Tasmanian Planning Commission.

	<ul style="list-style-type: none"> • Water Sensitive Urban Design Principles. • Traffic Impact on adjacent dwelling. • Lack of Infrastructure. • Social Housing issues. • Ownership.
Recommendation:	Approval with Conditions

1. PROPOSAL

1.1 Background

The proposal for 30 Multiple Dwellings and Sign at 15 Home Avenue, Blackmans Bay was the subject of a delegated report to the Council Meeting on 17 May 2021 (Item 14.1). The application was approved subject to conditions – Minute No. C234/9-2021.

Due to a clerical error the conditions of approval did not include the TasWater Submission to Planning Authority Notice (SPAN) as required by the *Water and Sewerage Industry Act 2008*. The TasWater SPAN has been included as a condition and the report has been resubmitted to Council for a decision and the issue of a Permit with the complete conditions. There are no other amendments to the report considered at the meeting of the 17/05/2021.

1.2 Description of Proposal

The proposal is for the construction of 30 dwellings for Catholic Care Tasmania over the subject site at 15 Home Avenue, Blackmans Bay. The dwellings include a range of one and two bedroom designs between one and two storeys. The dwellings have been designed to fit upon the proposed subdivision, DAS-2018-15, approved for the site. In this regard the dwellings are contained on the area of the site zoned General Residential and on the proposed lots as follows:

- Lot 10 – 1 Unit
- Lot 12 – 1 Unit
- Lot 13 – 1 Unit
- Lot 14 – 1 Unit
- Lot 15 – 1 Unit
- Lot 16 – 5 Units
- Lot 19 – 1 Unit
- Lot 21 – 6 Units
- Lot 22 – 13 Units

The remaining proposed Lots 11, 17, 18, and 20 in the General Residential Zone and the Low Density Residential (Area C) Zone area in the south of the site do not have development proposed on them at this time.

The proposed dwellings will generally have brickwork walls and some sections of lightweight cladding. All the dwellings will have Colorbond sheet roofs.

Car parking is provided with garages attached to each dwelling and with adjacent open parking and visitor parking spaces. Vehicular access to the dwellings is provided generally by shared driveways off the proposed subdivision roads. However, a small

number of dwellings will have separate direct access off the new subdivision roads which connect to Blowhole Road to the north east and Derwent Avenue to the north west.

A ground-based sign is proposed close to the entrance from Derwent Avenue on an area that will become part of Lot 22 in the subdivision. The sign includes only the name of the proposed residential development, “Maryknoll Estate”, upon a structure facing the proposed subdivision road. The sign structure is 1.24m high with a total face area of 4.1m².and it is does not contain flashing lights, moving parts or moving or changing messages or graphics.



Figure 1 - Overall Site Plan for 15 Home Avenue, Blackmans Bay

1.3 Description of Site

The subject site, at the time of lodgement of the application (2 September 2020), contained four titles being CT 199874/1, CT 34279/1, CT 55854/85 and CT 55854/84. An application for the adhesion of the four titles into a single title under Section 110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* was approved by Council and the new adhered title issued on 7 October 2020. The adhesion facilitates the proposed development of the subject site by removing internal property boundaries that would otherwise complicate assessment of the proposed development.

The total site has an area of 3.725 ha and is encompassed by Blowhole Road on both the north eastern and southern boundaries. The site has frontage and access to Derwent Avenue at the north western corner. Most of the site is separated from Blowhole Road by an area of bushland owned by Kingborough Council (CT 33869/1).

The site is within three zones of the Planning Scheme – General Residential, Low Density Residential (Area C), and Open Space. The site is partly within the Biodiversity Protection Area, Bushfire Prone Area and the Landslide Hazard (Low) Area Overlays.

The surrounding area is residential in character with a mix of single dwellings and units and includes an aged care village immediately adjoining the site on the south western boundary. Blackmans Bay Beach is opposite the site to the south across Blowhole Road and Ocean Esplanade.



Figure 2 - Aerial photo of subject site at time of lodgement (2 Sept 2020) at 15 Home Avenue Blackmans Bay

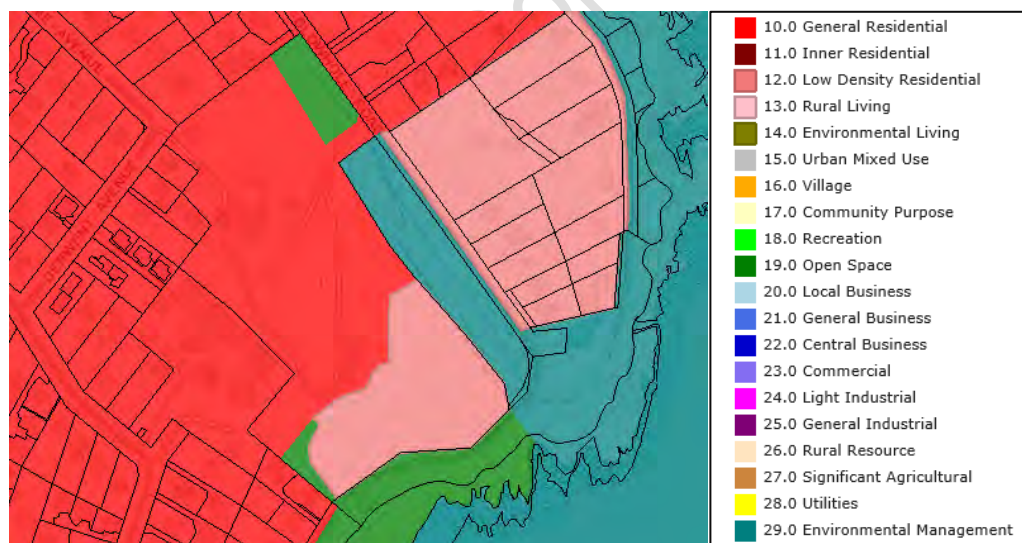


Figure 3 - Current Zoning of subject site and surrounding area at 15 Home Avenue, Blackmans Bay

1.4 Background

The site has recently been subject to a combined application for a Planning Scheme amendment, PSA-2018-3 and a subdivision application DAS-2018-19.

The PSA sought to rezone:

- ~1.78 hectares of the site from Low Density Residential (Area B) to General Residential;
- ~1.03 hectares of the site from Low Density Residential (Area B) to Low Density Residential (Area C);

- 0.070 hectares of the site from Low Density Residential (Area B) to Open Space; and
- 0.2043 hectares of the site from General Residential to Open Space.

A secondary component of the draft amendment was to remove the landslide hazard area overlay from being applicable to the subject land.

The subdivision application sought to create 22 residential lots, 3 public open space lots and 2 road lots.

The Tasmanian Planning Commission considered the applications and issued a decision to approve the amendment to the Planning Scheme PSA-2018-3 and the subdivision DAS-2018-15 on 20 December 2019 subject to conditions. The approval was for the subdivision of 22 residential lots, 2 public open space lots and 2 road lots.

The Tasmanian Planning Commission further approved an amendment to the PSA-2018-3 and DAS-2018-15 on 8 January 2020.

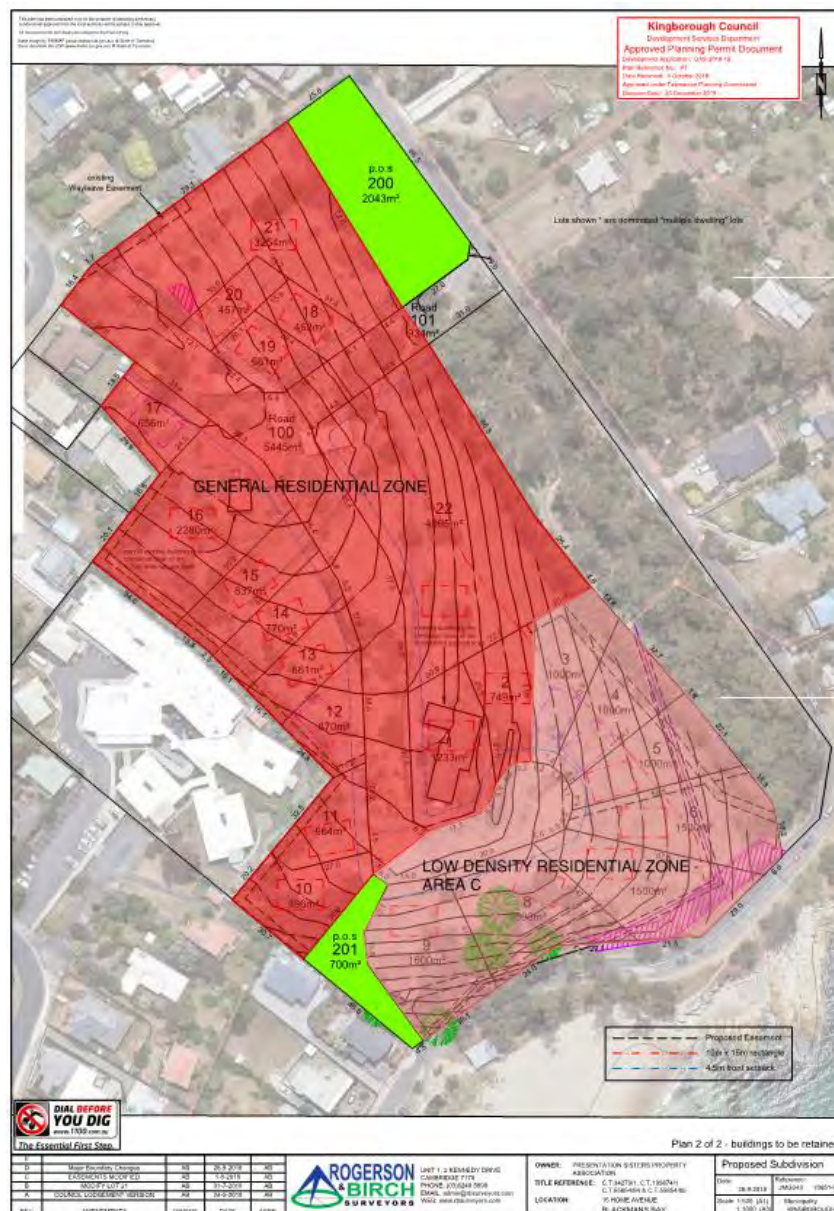


Figure 4 - Approved subdivision plan DAS 2018-15

2. ASSESSMENT

2.1 State Policies and Act Objectives

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

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

2.2 Strategic Planning

The relevant strategies associated with the Scheme are as follows:

Zone Purpose Statements of the General Residential Zone

The zone purpose statements of the General Residential Zone are to:

- 10.1.1.1 *To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.*
- 10.1.1.2 *To provide for compatible non-residential uses that primarily serve the local community.*
- 10.1.1.3 *To provide for the efficient utilisation of services.*
- 10.1.1.4 *To implement the Regional Settlement Strategy and the Greater Hobart Residential Strategy.*
- 10.1.1.5 *To encourage residential development that respects the neighbourhood character, natural landscape and provides a high standard of residential amenity.*
- 10.1.1.6 *To encourage urban consolidation and greater housing choice through a range of housing types and residential densities.*

Clause 10.1.2 – Local Area Objectives

Local Area Objectives	Implementation Strategy
BLACKMANS BAY	
(a) Blackmans Bay should be maintained as an established residential area with a high level of amenity associated with its coastal location, pleasant views and lifestyle.	(a) The natural landscape and setting is an important issue when considering new development proposals.

Clause 10.1.3 - Desired Future Character Statements

Desired Future Character Statements	Implementation Strategy
BLACKMANS BAY	
(a) Blackmans Bay should continue as a predominantly low-density residential area with larger lot sizes that enable reasonable setbacks, the retention of native vegetation and gardens.	(a) New development should respect the amenity of surrounding residences and the natural landscape. Multi-unit housing should be encouraged to locate in the area surrounding the Opal Drive commercial precinct.

2.3 Use Class

The use is categorised as Residential/Multiple Dwellings under the Scheme. In the General Residential Zone Multiple Dwellings are classified as Permitted. The proposal does not meet the Development Standards and is therefore a Discretionary Use in the General Residential Zone. The application requires assessment for compliance against the Acceptable Solutions and Performance Criteria.

The proposed ground-based sign is Discretionary within the General Residential Zone and requires assessment for compliance against the Acceptable Solutions and Performance Criteria.

2.4 Use and Development Standards

The proposal has been assessed on the subject site with four (4) titles at the time of lodgement (and as subsequently adhered into one title). In recognition of the approved subdivision (DAS-2018-15) currently being developed and the intention for the proposed dwellings to be on the new subdivision lots an assessment based on the new lots has also been done.

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

General Residential Zone

Clause 10.4.2 Setbacks and building envelope for all dwellings

Acceptable Solution A4
No trees of high conservation value will be impacted.
Performance Criteria P4
Buildings and works are designed and located to avoid, minimise, mitigate and offset impacts on trees of high conservation value.
Proposal
The works will impact on trees of high conservation value, and therefore do not comply with A1 and must be assessed against the performance criteria.

There are several high conservation value trees located on and adjacent to the subject land and within the General Residential Zone. To verify the potential impact of the proposed unit development on high conservation value trees and ensure the proposed unit development does not impact upon trees requiring retention and protection under DAS-2018-15, further information was required in relation to the installation of services and the unit design relative to the location of individual trees, including high conservation value trees.

Amended plans submitted in response to further information requests confirm the units are reliant upon the installation of subdivision infrastructure for DAS-2015-18. Condition 10(b) of the subdivision permit requires that the detailed engineering design demonstrate no further tree removal is required for the purposes of installation of this infrastructure. The endorsed engineering drawings for DAS-2018-15 comply with this requirement.

As a result of the further information requests, the plans were amended to show the location of infrastructure for the units is consistent with and reliant on the endorsed engineering drawings. Achieving this required a reduction in the number of units to 30.

Provided the infrastructure is installed in accordance with the endorsed engineering drawings for DAS-2018-15 and as shown in the plans (Plan Reference P5 submitted on 31 March 2021) for DA-2020-480, the proposed unit development will not rely upon additional tree removal for the purposes of services and is consistent with the requirements of Condition 10 of DAS-2018-15.

To ensure this occurs, a condition is recommended for inclusion in any permit issued for the units requiring the subdivision infrastructure and services be installed in accordance with DAS-2018-15 and the associated endorsed engineering drawings and the units be connected to these services in accordance with the approved plans for DA-2020-480 prior to occupation of the units.

While the plans confirm that no additional tree removal is required for the purposes of services installation, the proposed units impact eight (8) trees. Specifically, the following trees are identified for removal:

Tree number	Species	DBH	HCV
3	<i>Allocasuarina verticillata</i>	27cm	No
4	<i>Eucalyptus lehmannii</i>	>25cm	No
8	<i>Eucalyptus lehmannii</i>	>25cm	No
23	Blackwood	>25cm	No
24	Blackwood	>25cm	No
25	Blackwood	>25cm	No
26	Blackwood	>25cm	No
32	Blue gum	38cm	No

While none of the trees proposed for removal are of high conservation value and the remaining trees are proposed for retention, the proposed unit development encroaches into the tree protection zones of eight (8) high conservation value trees, with the extent of encroachment exceeding 10% for T31 and T33. While preliminary arborist advice indicates the extent of encroachment is likely to be tolerable, this relies upon the detailed design being developed in consultation with a suitably qualified arborist to ensure the works incorporate the recommended tree protection, mitigation and design measures.

The trees identified for retention, and also others which may be impacted by the unit development, are detailed below.

Tree number	Species	DBH	Unit development encroachment	HCV
1	White gum	35cm	No	Yes
2	Black peppermint	35cm	No	No
5	unknown	unknown	No	No
6	unknown	unknown	No	No
7	unknown	unknown	No	No
9	unknown	unknown	No	No
10	unknown	unknown	No	No
11	unknown	unknown	No	No
12	<i>Allocasuarina littoralis</i>	26cm	No	No
13	<i>Allocasuarina verticillata</i>	27cm	No	No

Tree number	Species	DBH	Unit development encroachment	HCV
14	<i>Allocasuarina littoralis</i>	27cm	No	No
15	Black gum	<25cm	No	No
16	White gum	27cm	No	Yes
17	White gum	28cm	No	Yes
18	White gum	31cm	No	Yes
19	White gum	38cm	No	Yes
20	White gum	57cm	No	Yes
21	<i>Callitris rhombodea</i>	31cm	No	No
22	Black gum	36cm	No	No
27	White gum	36cm	No	Yes
28	White gum	39cm	No	Yes
29	White gum	35cm	No	Yes
30	White gum	49cm	Yes	Yes
31	White gum	62cm	Yes >10%	Yes
No number	White gum	55cm	Yes	Yes
33	Blue gum	44cm	Yes >10%	Yes
34	Blue gum	44cm	Yes	Yes
35	Blue gum	30cm	No	No
36	Blue gum	42cm	Yes	Yes
37	Blue gum	63cm	Yes	Yes
38	Blue gum	44cm	No	Yes
39	Blue gum	76cm	Yes	Yes
40	Blue gum	57cm	No	Yes
41	Blue gum	?	No	Yes
42	Blue gum	>1m	Yes	Yes

No tree removal has been identified for the purposes of bushfire hazard management and it is therefore assumed all trees identified for retention are capable of retention for bushfire hazard management purposes.

The proposal complies with the performance criteria P3 as follows:

- The final amended plans indicate no high conservation value trees require removal for the proposed unit development and impacts are limited to encroachment into the tree protection zone of eight (8) high conservation value trees.
- The preliminary verbal arborist advice indicates that the extent of encroachment is tolerable subject to implementation of recommended conditions of approval.
- To ensure trees identified for retention are retained, conditions of approval are recommended for inclusion in any permit issued:

- requiring an arborist assessment to:
 - verify that trees identified for retention in the approved plans are capable of retention and the extent of encroachment is tolerable; and
 - identifying any mitigation measures required to ensure the extent of encroachment is tolerable and the trees are capable of retention;
- requiring that engineering plans submitted for endorsement demonstrate compliance with these recommendations; and
- requiring a performance-based bushfire assessment which demonstrates no additional tree removal is relied upon beyond that shown in the approved plans.
- Provided the recommended conditions of approval are included in any permit issued and ensure the level of tree retention proposed is achieved, the proposal is considered to avoid, minimise and mitigate impacts on trees of high conservation value. No offsets are required as no high conservation value trees are proposed for removal.

General Residential Zone

Clause 10.4.3 Site coverage and private open space for all dwellings

Acceptable Solution A2
<p>A dwelling must have an area of private open space that:</p> <ul style="list-style-type: none"> (a) is in one location and is at least: <ul style="list-style-type: none"> (i) 24 m²; or (ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (b) has a minimum horizontal dimension of: <ul style="list-style-type: none"> (i) 4 m; or (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and (f) has a gradient not steeper than 1 in 10; and (g) is not used for vehicle access or parking.
Performance Criteria P2
<p>A dwelling must have private open space that:</p> <ul style="list-style-type: none"> (a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and that is: <ul style="list-style-type: none"> (i) conveniently located in relation to a living area of the dwelling; and (ii) orientated to take advantage of sunlight.

Proposal

There are a number of dwellings that do not have an area of Private Open Space that complies with all of the requirements in A2. In summary these are:

- Lot 10/Unit 1
- Lot 13/Unit 1
- Lot 14/Unit 1
- Lot 15/Unit 1
- Lot 16/Unit 7
- Lot 19/Unit 1
- Lot 22/Unit 11

The specific performance of the dwellings against Acceptable Solution A2 are given in the table below:

Lot No.	Comply Y/N	Reason
Lot 10	No	The designated POS for Unit 1 is not directly accessible from a habitable room - A2(c). It is located south west of the dwelling. The access to the POS is obtained via the rear stairs off the deck. The deck and stairs are adjacent to the Dining Room and Kitchen of the dwelling. The POS is located at the bottom of the stairs.
Lot 12	Yes	The designated POS for Unit 1 is directly accessible from the Dining and Living rooms and complies to size and orientation.
Lot 13	No	The designated POS for Unit 1 is located in the frontage and does not comply with A2(e) as the orientation of the frontage is 46 degrees east of north.
Lot 14	No	The designated POS for Unit 1 is located in the frontage and does not comply with A2(e) as the orientation of the frontage is 46 degrees east of north.
Lot 15	No	The designated POS for Unit 1 is located in the frontage and does not comply with A2(e) as the orientation of the frontage is 45 degrees east of north.
Lot 16	No	The designated POS for Unit 7 is located in the frontage and does not comply with A2(e) as the orientation of the frontage is 45 degrees east of north. The designated POS for Units 1, 2, 3 and 6 comply with A2.
Lot 19	No	The designated POS for Unit 1 is not directly accessible from a habitable room - A2(c). The POS is located in the rear/side yard in the north of the site and has a northerly orientation however it is accessed via the stairs and deck adjacent to the Living and Dining Rooms. The POS is located 4m from the end of the deck.
Lot 21	Yes	The designated POS for Units 2, 3, 4, 5, 6 and 7 comply with A2.
Lot 22	No	The designated POS for Unit 11 is not directly accessible from a habitable room - A2(c). The designated POS for Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12 and 13 comply with A2.

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

- Lot 10 Unit 1
 - The proposed POS area is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play.
 - There is a substantial garden and landscaping area on the lot which will remain due to the location of service easements along the southwest rear boundary and north west side boundary.
 - The area is relatively conveniently located in relation to a living area of the dwelling. There is also a deck immediately adjacent to the living area connecting the POS with the dwelling.
 - The area will receive at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June.
- Lot 13 Unit 1
 - The proposed POS area is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play.
 - The area is relatively conveniently located in relation to a living area of the dwelling and directly accessible from, and adjacent to, the living area.
 - The area is located and orientated to take advantage of sunlight and is located north east of the dwelling.
- Lot 14 Unit 1
 - The proposed POS area is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play.
 - The area is relatively conveniently located in relation to a living area of the dwelling and directly accessible from, and adjacent to, the living area.
 - The area is located and orientated to take advantage of sunlight and is located north east of the dwelling.
- Lot 15 Unit 1
 - The proposed POS area is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play.
 - The area is relatively conveniently located in relation to a living area of the dwelling and directly accessible from, and adjacent to, the living area.
 - The area is located and orientated to take advantage of sunlight and is located north east of the dwelling.
- Lot 16 Unit 7
 - The proposed POS area is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play.

- The area is relatively conveniently located in relation to a living area of the dwelling and directly accessible from, and adjacent to, the living area.
- The area is located and orientated to take advantage of sunlight and is located north east of the dwelling.
- Lot 19 Unit 1
 - The lot is a corner lot and has significant public exposure. The proposed POS is located in the side/rear of the lot and provides a high degree of privacy.
 - The proposed POS area is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play.
 - The area is relatively conveniently located in relation to a living area of the dwelling. There is also a deck immediately adjacent to the living area connecting the POS with the dwelling. The POS is located 4m from the end of the deck and accessed by a short flight of stairs and pathway.
 - The POS is located in the rear/side yard in the north of the site and has a northerly orientation. The area will receive at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June.
- Lot 22 Unit 11
 - The proposed POS area is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play.
 - The area is relatively conveniently located in relation to a living area of the dwelling. It is accessed by a set of stairs directly from the living area of the dwelling. The stairs are relatively short being 0.69m high and containing 5 steps.
 - The area is located north of the dwelling and will receive at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June.

General Residential Zone

Clause 10.4.4. Sunlight and overshadowing for all dwellings

Acceptable Solution A1
A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).
Performance Criteria P1
A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).
Proposal
Given the orientation of the existing lot boundaries and the approved subdivision lot boundaries in DAS-2018-15 only the dwellings on proposed Lots 10 and 12 would have a habitable window orientated within 30° of north.

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

- The orientation of the lots has been determined through the assessment process resulting in the approved subdivision layout in DAS-2018-15. Given the orientation of the approved lots and their boundaries only the dwellings on proposed Lots 10 and 12 would have habitable rooms orientated within 30° of north, based on standard alignments of dwellings parallel to their boundaries.
- The majority of the proposed dwellings have living areas and rooms located within the northern part of their respective buildings. It is considered that all the dwellings have adequate windows and glazed doors that allow sunlight into the dwelling.

General Residential Zone

Clause 10.4.8 Waste storage for multiple dwellings

Acceptable Solution A1
<p>A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m² per dwelling and is within one of the following locations:</p> <p>(a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) in a communal storage area with an impervious surface that:</p> <ul style="list-style-type: none"> (i) has a setback of at least 4.5 m from a frontage; and (ii) is at least 5.5 m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2 m above the finished surface level of the storage area.
Performance Criteria P1
<p>A multiple dwelling development must provide storage, for waste and recycling bins, that is:</p> <p>(a) capable of storing the number of bins required for the site; and</p> <p>(b) screened from the frontage and dwellings; and</p> <p>(c) if the storage area is a communal storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.</p>
Proposal
<p>The dwellings on Lots 12, 13, 14 and 15 do not comply as the location of the storage areas for the waste and recycling bins are in the front of the respective dwellings.</p>

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

- The proposed areas are capable of storing the required bins.
- The proposed locations are convenient for the residents as they are immediately adjacent to the dwellings.
- Adequate screening is provided from the frontage and other adjacent dwellings that minimises impacts caused by odours and noise. The storage areas are also centrally located on the lots adjacent to the driveways.
- A communal storage area is not proposed.

E10.0 Biodiversity Code
Clause E10.7.1 Buildings and Works

Acceptable Solution A1
Clearance and conversion or disturbance must be within a Building Area on a plan of subdivision approved under this planning scheme.
Performance Criteria P1
<p>Clearance and conversion or disturbance must satisfy the following:</p> <p>...</p> <p>(b) if moderate priority biodiversity values:</p> <ul style="list-style-type: none"> (i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development; (ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings; (iii) remaining moderate priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values; (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.
Proposal
<p>Some of the high conservation value trees impacted by the proposal are located in a Biodiversity Protection Area. These trees are of a moderate priority biodiversity value.</p> <p>The proposal is unable to meet A1 as there is no building area on a plan of subdivision approved under this planning scheme.</p>

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

- The proposed unit development is designed and located to minimise impacts on moderate priority vegetation, including individual trees of high conservation value.
- No removal of native vegetation subject to the Code for bushfire hazard management purposes is proposed.
- All high conservation value trees are proposed to be retained.
- Conditions of approval are recommended for inclusion in any permit in relation to tree retention and protection, arborist assessment and engineering drawings and bushfire.

E17.0 Signs Code

Clause E17.6.1 Use of Signs

Acceptable Solution A1

A sign must be a permitted sign in Table E.17.3.

Performance Criteria P1

A sign must be a discretionary sign in Table E.17.3.

Proposal

The proposed sign is a “ground-based sign” and it contains the name of the estate – Maryknoll Estate. It is not a permitted sign in the General Residential Zone.

‘ground-based sign’ - means a sign permanently attached to the ground on its own supportive structure, independent of any building, primarily intended to identify the premises or its access on arrival and not be seen from a distance. Does not include a pole or pylon sign or ground based panel sign.

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

- The proposed sign is a discretionary sign under Table E.17.3.
- The sign is to be placed in the front yard on what will become Unit 4 on Lot 21. The sign is associated with a landscape feature. This location is not readily seen from Derwent Avenue and serves as an entrance sign to the estate. The sign only contains the words “Maryknoll Estate”.
- The sign relates to the residential use of the site and does not contain flashing lights, moving parts, messages or graphics, and is not illuminated. It does not resemble a statutory sign.

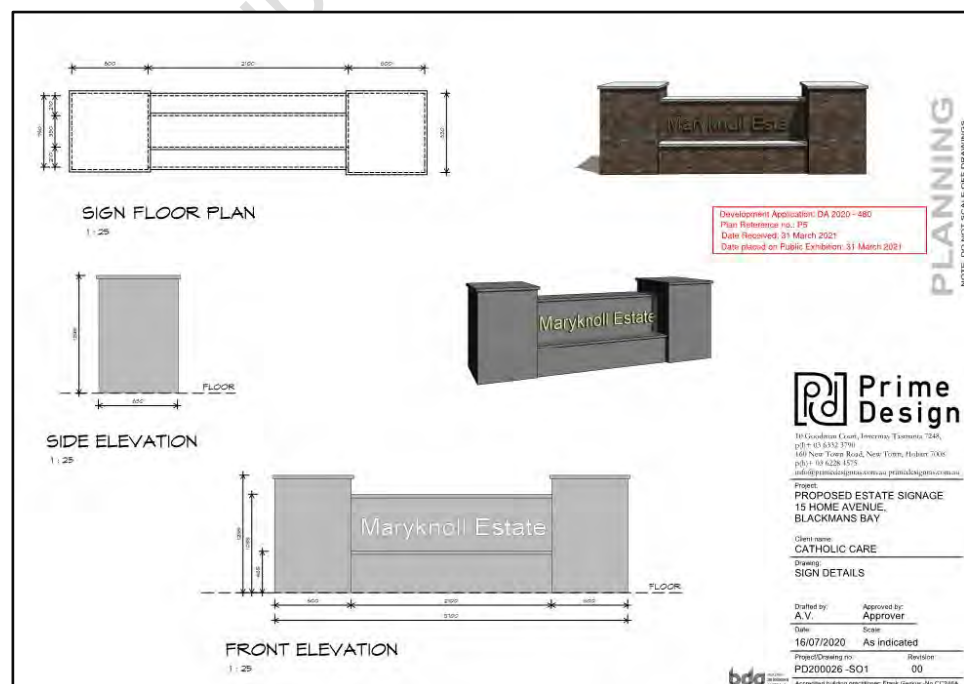


Figure 5 - Proposed ground-based estate sign

E17.0 Signs Code
Clause E17.7.1 – Standards for Signs

Acceptable Solution A1
A sign must comply with the standards listed in Table E.17.2 and be a permitted sign in Table E17.3
Performance Criteria P1
<p>A sign not complying with the standards in Table E17.2 or has discretionary status in Table E17.3 must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape; (b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located; (c) be constructed of materials which are able to be maintained in a satisfactory manner at all times; (d) not result in loss of amenity to neighbouring properties; (e) not involve the repetition of messages or information on the same street frontage; (f) not contribute to or exacerbate visual clutter; (g) not cause a safety hazard.
Proposal
<p>The sign does not comply with the Table E.17.2 standards for a ground-based sign in relation to the area of each face (should not be more than 2.5m²). The words 'Maryknoll Estate' on the sign have an area of 0.7m² however the area of the face of the sign structure is 4.1m².</p> <p>The sign is not a permitted sign in Table E17.3.</p>

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

- The sign integrates with the overall site design and is relatively low to the ground and does not visually dominate the streetscape.
- The sign structure is natural stone with non-corroding metal letters. These materials will require little maintenance throughout the life of the sign.
- The relatively low size and location of the sign is considered to not cause any loss of amenity to neighbouring properties.
- There is only one sign and therefore no repetition of messages or information along the street.
- The sign will not create a safety hazard as it will not impact on sight distances for pedestrians or motorists.

2.5 Other Matters

2.5.1 Bushfire Prone Areas Code

It is acknowledged that the proposed unit development does not trigger the Bushfire-Prone Areas Code E1.0 (the proposed development is not a vulnerable or hazardous use under Clauses E1.5.1 and E1.5.2). However, there are other parts of the planning scheme which deal with bushfire hazard management arrangements for dwellings. The Biodiversity Code, which applies to part of the site, explicitly deals with bushfire hazard management impacts from dwellings. Furthermore, there are Zone standards for the Open Space and Environmental Management Zones which prohibit bushfire hazard management for a residential use in these zones.

In addition, Condition 6 of the subdivision permit, DAS-2018-15, requires that:

“The subdivision and any future use and development of the lots must only occur and be maintained in accordance with the endorsed Bushfire Hazard Management Plan (BHMP) - Council Plan Reference P6 submitted on 17 September 2018. Any variation must be supported by the written agreement of an accredited bushfire hazard assessor or the Tasmania Fire Service and be to the satisfaction of Council’s Manager Development Services unless an alternative Bushfire Hazard Management Plan is approved by Council.”

The proposed unit development proposes reduced setbacks from bushfire-prone vegetation from those shown in the subdivision BHMP.

The Tasmania Fire Service (TFS) has provided a performance-based assessment, which provides for a reduction in the size of the hazard management areas provided within the subdivision BHMP, and a copy of this assessment has been provided with the application. However, enquiries to TFS indicate that the alternative performance-based assessment Bushfire Hazard Management Plan (BHMP) lodged with the application relies upon management of the Public Open Space (POS) lot as low threat vegetation; and if this vegetation is not to be managed in this way, then there may be an issue with the alternative BHMP.

The subdivision permit BHMP for DAS-2018-15 assessed this vegetation as “woodland” and Council has confirmed that this is how the land will be managed once transferred to Council. In view of this, the alternative TFS assessment is based on an incorrect assumption regarding ongoing management of this land and the required separation distances are unable to be achieved within the future lot boundaries. If the management were to extend outside the future lot boundaries into the Open Space Zone, this management would be a prohibited use under the planning scheme.

Condition 6 of the subdivision permit also requires that any alternative bushfire hazard management plan must be approved by Council and this has not been done to date.

Council requested the applicant to provide a copy of an alternative assessment demonstrating that the proposed unit development contains the hazard management areas within the subject land, complies with the subdivision permit and complies with the requirements of the Kingborough Interim Planning Scheme 2015.

While the Planning Report, "Catholic Care - 15 Home Avenue - 38 Multiple Dwellings, JMG, Sept 2020 submitted with the application stated that development will be contained within the property boundary and will not encroach upon the adjacent Council reserve, a copy of an alternative assessment demonstrating that the proposed unit development complies with the performance-based assessment by TFS, contains the hazard management areas within the subject land, and complies with the subdivision permit has not been provided.

To address this issue, it is recommended that any permit issued includes a condition that amended plans be submitted showing the proposed separation distances and BAL and requiring the BAL's and separation distances be confirmed by a BAL Assessment submitted to Council prior to the lodgement of any building applications and the issue of the Building Permits for the units. This BAL Assessment will also need to demonstrate that the separation distances and construction requirements will ensure there is no reliance on management of vegetation within the Public Open Space Zone (POS 200), based on a classification of Woodland, or Mary Knoll Reserve (CT 33869/1), based on a classification of Forest. The need for this BAL Assessment as a condition of approval prior to issue of a building permit for the relevant units was acknowledged by the applicant and they are fully aware of the proposed conditions of approval in respect to bushfire.

2.5.2 Part V Agreement

A Part 5 Agreement has been executed and registered on the title of the subject land in compliance with Condition 8 of the subdivision permit for DAS-2018-15 (Dealing No. E224927). This Part 5 Agreement includes requirements in relation to tree protection, swift parrots, amenity of 2 and 2A Ocean Esplanade, visual impact and cat control.

Compliance with these requirements is summarised below:

Tree protection

- (a) The plans identify trees >25cm and permission is being sought for the removal of eight (8) such trees.
- (b) All of the trees requiring protection under (b) are located within the Low Density Residential Zone and outside the footprint of the proposed unit development. Therefore, this requirement is not applicable in relation to the current application for the 30 multiple dwellings.
- (c) The one tree of high conservation value proposed for removal will be offset to the satisfaction of Council through inclusion of a condition on any permit issued to this effect.

Swift Parrot

- (d) The unit design on Lots 21 and 22 comply with the swift parrot collision requirements, with all glazed surfaces <2m², no fly-throughs and no corner windows.

Amenity of 2 and 2A Ocean Esplanade

- (e) Lot 10 only contains a single unit.

- (f) The plans do not propose or rely upon any removal of vegetation (excluding grasses and weeds) within 3m of the property boundaries with 2 and 2A Ocean Esplanade.
- (g) The stormwater treatment device in Lot 201 is located >3m of the property boundaries with 2 and 2A Ocean Esplanade.

Visual Impact

This section pertains to buildings and structures on Lots 6-9 and 3-9. As no units are proposed on these lots, this requirement is not applicable.

Cat Control

The requirements for cat control are on the title and binding on future owners.

2.5.3 Hygiene

Given the extent of site works, in accordance with clause 8.11.3(b), a condition should be included in any permit issued requiring implementation of best practice hygiene measures.

2.6 Public Consultation and Representations

The proposal was advertised in accordance with statutory requirements and six (6) representations were received against the proposal. The following issues were raised by the representors:

1. Issue – Non-Compliance with the Acceptable Solutions of the General Residential Zone.

It is concerning that there are many discretions where the proposed development does not meet the Acceptable solutions in the General Residential Zone. The assessment of Performance Criteria is subjective and open to interpretation. Council should closely analyse every discretion including:

- Building envelopes
- Setbacks
- Open space
- Sunlight
- Privacy

Response

The assessment of the proposed development has identified the matters of compliance and non-compliance with the Development Standards of the General Residential Zone and relevant Codes in the Planning Scheme. These are identified in the Assessment Checklist. The report contains the assessment of any discretions and their assessment against the Performance Criteria.

The assessment of the proposed development is required to be done in relation to the subject site at the time of lodgement. The proposal has been assessed on the subject site with four titles at the time of lodgement (and as subsequently

adhered into one title). In recognition of the approved subdivision (DAS-2018-15) currently being developed, and the intention for the proposed dwellings to be on the new subdivision lots, an assessment based on the new lots has also been done and is contained in the Assessment Checklist.

2. Issue – Water Sensitive Urban Design Principles.

The proposal will not comply with the Stormwater Code in relation to the Acceptable Solutions in Clause E7.7.1 Stormwater drainage and disposal.

Response

The stormwater systems for ensuring water quality were a matter considered with the subdivision approval DAS-2018-15 and are currently being installed as part of the subdivision works. These include a number of rain gardens to provide both detention and improve water quality. Runoff from the proposed roof areas will be cleaner than is currently the case (less sedimentation) and will be captured in the subdivision's detention and water quality system. The proposed dwellings will be required to connect to the approved stormwater system.

3. Issue – Compliance with DAS-2018-15 Conditions.

- (a) The Tasmanian Planning Commission placed 27 conditions on the development when the Planning Scheme Amendment was approved. All of the 27 conditions need to be rigorously monitored and enforced. These include:

- The requirement for a Part V Agreement

- (b) The proposed development DA-2020-480 does not comply with Condition 1 of DAS-2018-15:

“Except as otherwise required by this Permit, use and development of the land must be substantial in accordance with Development Application No.DAS-2018-15 and Council Plan Reference No. P6 submitted on 17 September 2018 and P7 submitted on 4 October 2018. This permit relates to the use of land and 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 the Permit requires further planning consent of Council.”

The following matters are considered to not comply with the subdivision permit:

- Condition 1 in relation to the reference to “...must comply with all conditions in this permit”.
- Condition 3 - Public Open Space (POS).

The Planning Report, JMC, makes no reference of when the POS Lots 200 and 201 will be transferred to Council.

- Condition 8 Part V Agreement

There are no details of the Part V Agreement provided to verify tree protection and removal. The engineering plans contradict the Agreement.

Removal of any trees should be avoided to support endangered bird species. The development should be redesigned to avoid impacting on important trees.

The Part V Agreement should be made public in the interests of transparency.

Response

- (a) Condition 1 of the subdivision Permit DAS-2018-15 is the standard condition applied to permits issued under the Land Use Planning and Approvals Act 1993. The condition is included on all permits and it provides development rights, in accordance with the approved plans and conditions, that run with the land and binds the current and subsequent owners to comply.

The approved subdivision is currently being constructed with a range of works being done. Currently Council is not aware of any non-compliance with the conditions of the subdivision permit. This situation is being monitored and will also be assessed in relation to compliance prior to the Final Plan of Survey being signed and sealed by Council.

The Council has required that the development application for the 30 multiple dwellings comply with the subdivision permit. This resulted in further information requests for amended plans being made to the applicant.

- (b) In relation to the matters raised in the submission concerning the possible non-compliance of DA-2020-480 with the subdivision conditions the following comments are made:

- Condition 3 - Public Open Space (POS).

Condition 3 requires the POS lots to be shown on the Final Plan of Survey and endorsed as "Public Open Space". The Final Plan is not provided to Council for signing until the required works and other requirements of the subdivision permit have been done to the satisfaction of Council. This is a matter for the subdivision development.

The provision of the POS is not a matter relevant to the development of the multiple dwellings and therefore has not been included in the application by the applicant. Council does not have any basis for requiring the POS to be included in the application.

- Condition 8 - Part V Agreement

The Part 5 Agreement was executed on 30 October 2020 and registered on the title on 16 November 2020. This Agreement is available via a title search on the LIST (Dealing No. E224927).

The application was lodged against the parent title at the time of lodgement (2 September 2020) and the Part 5 Agreement had not yet been executed or registered on the title. Notwithstanding, the proposed development has been assessed for compliance with the terms of the Part 5 Agreement and is now considered to meet all relevant requirements. The relevant issues referred to in the Part V Agreement have also been commented on in the body of the report.

4. Issue – Inconsistencies with the plans.

There is discrepancies and inconsistencies with the plans and supporting documentation. Examples of these are:

- the JMG Planning Report submitted with the application states 38 dwellings and 30 were advertised.
- Traffic Assessment.
- Trees identified for removal.

Response

The Planning Report by JMG and supporting documentation was prepared prior to lodgement of the application whereas the advertised plans reflect the outcome of the Council's further information request process. As part of this process, amended plans were required to be provided after the application was lodged to demonstrate consistency with the subdivision permit (DAS-2018-15) requirements. The advertised plans and documents need to be read in sequence as the design has been substantially modified through the Request for Further Information process. As a result of this several the dwellings were removed from the application to ensure compliance with the subdivision conditions including location of infrastructure and tree retention and clearing.

The amended plans, rather than the Planning Report by JMG, reflect the proposed tree removal which is limited to eight (8) trees >25cm for the purposes of the unit development, none of which are of high conservation value.

The reason for the discrepancy between the trees identified on the plans and those identified in the original Natural Values Report is that the original Natural Values Report omitted some high conservation value trees on and adjacent to the subject land. These have now been identified and included in the assessment of the dwellings.

The Natural Values Assessment dated 13 December 2017 was submitted by the applicant with the application, but it has not been relied upon to determine the extent of impacts. Rather the advertised plans form the basis of the assessment, noting the recommended conditions of approval include a requirement for a further arborist assessment to ensure trees proposed for retention are retained.

While Council sought to obtain complete application documentation, sufficient information was provided to enable an assessment of the application.

5. Issue – Traffic Impact on adjacent dwelling

The new road junction from the estate with Derwent Avenue will adversely impact on the adjacent dwelling on the corner as it will cut across the current driveway and create safety and access concerns particularly in light of the proposed increase in traffic volumes using this intersection.

Response

The design of the new road and intersection with Derwent Avenue was assessed at the time of the subdivision approval DAS-2018-15. The new road and intersection are not part of the proposed development application. The design of the works has been assessed against the required Australian Standards.

6. Issue – Social Housing Issues

The proposed development is not a good example of social housing and has not been designed properly to address many issues with social housing including:

- Placing too many similar people together in a small housing area.
- Use of social and police resources to attend to tenant and neighbour complaints.
- Under tenanting of housing.

The community is being deceived by advertising the development as a mixture of affordable public housing and privately owned homes.

Response

The proposed development has been assessed as multiple dwellings under the General Residential Zone and relevant Codes in the Planning Scheme. The issues with social housing and how it is provided and managed are not an issue that the Planning Scheme can address.

7. Issue – Lack of Infrastructure

The development is an over development of the site with a lack of infrastructure.

Response

The development complies with the density standards in the Planning Scheme. The development is to be serviced by the approved infrastructure as required by the conditions of DAS-2018-15.

8. Issue – Ownership

The front of the property (the Low Density Residential Zone land) should not be developed and there are concerns at it being sold off.

Response

The zoning of the Low Density Residential Zone land has been assessed under the *Land Use Planning and Approvals Act 1993* and the Planning Scheme and determined by the Tasmanian Planning Commission. The ownership of property is not a relevant matter for consideration in the assessment of development.

3. CONCLUSION

The proposed 30 multiple dwellings and the ground-based sign comply to the Acceptable Solutions and Performance Criteria for the General Residential Zone and the relevant Codes in the *Kingborough Interim Planning Scheme 2015*. It is recommended for approval with conditions reflecting the above discussion.

4 RECOMMENDATION

That the Planning Authority resolves that the development application for 30 multiple dwellings and sign at 'Presentation Sisters', 15 Home Avenue, Blackmans Bay for JMG Engineers be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DA-2020-480, Council Plan Reference P4 received on 25 March 2021 and Council Plan Reference No. P5 submitted on 31 March 2021. 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. The external building materials of all buildings applying to this development must be of types and colours that are sympathetic to the environment and must be to the satisfaction of the Manager Development Services. Unpainted metal surfaces will not be approved. Plans submitted for building approval must indicate the proposed colour and type of the external building materials.
3. The approved plans, Council Reference P5 submitted 31 March 2021, contain a notation that the Horizontal and Vertical Datums on the plans is noted as "Arbitrary" due to the subdivision works currently being undertaken in relation to the required works for the approved subdivision DAS-2018-15.

In relation to the siting and construction of the approved dwellings on the Future Lots contained in DAS-2018-15, their setbacks, heights, floor areas and site coverage must remain in accordance with the approved plans in relation to the Future Lot boundaries and areas and the dwellings compliance with the Acceptable Solutions for the Development Standards for Residential Buildings and Works for the General Residential Zone of the Kingborough Interim Planning Scheme 2015. Where an approved dwelling did not comply with an Acceptable Solution and relied on demonstrating compliance with the Performance Criteria in the Development Standards for Residential Buildings and Works the extent of the discretion or non-compliance must be maintained and not varied or increased without the written consent of the Manager Development Services.

4. Landscaping must be provided in accordance with the approved Landscaping Plans for the Future Lots as indicated in subdivision approval DAS-2018-15.
5. Any further signage is not permitted without the prior written consent of the Council. Application for a Planning Permit must be submitted to Council, together with relevant documentation.
6. Prior to endorsement of the Engineering Drawings required under Condition 12, lodgement of any building applications or issue of a building permit for units located within the BAL-12.5 or BAL-19 habitable building areas as shown in the approved subdivision BHMP (DAS-2018-15, JMG, Dwg B01, Revision A, Council Plan Reference P6 submitted on 17 September 2018 and approved 20 December 2019), a certified performance-based bushfire assessment and accompanying bushfire hazard management plan (BHMP) by an accredited bushfire practitioner must be submitted. This assessment and BHMP must:
 - (a) confirm the Bushfire Attack Levels (BAL) and separation distances for the units which are subject to this performance-based bushfire assessment and which rely upon the certified subdivision BHMP;
 - (b) demonstrate that achieving the required separation distances and construction requirements does not rely upon:
 - (i) management of vegetation within the Public Open Space Zone (POS 200), based on a classification of Woodland,

- (ii) management of vegetation within Mary Knoll Reserve (CT 33869/1), based on a classification of 'Forest';
- (iii) additional tree removal beyond that shown in the approved plans; and
- (c) be endorsed by Council, consistent with the requirements of Condition 6 of the subdivision permit for DAS-2018-15.

Once endorsed, this assessment and accompanying BHMP form part of this permit.

7. Prior to commencement of on-site works and endorsement of the Engineering Drawings required under Condition 12, an assessment of the engineering design by a suitably qualified arborist must be submitted to Council. This assessment must:
 - (a) verify that trees identified for retention in the Concept Services Sewer, Water and Stormwater Plans (Council Plan Reference P4, received on 25 March 2021) are capable of retention and the maximum extent of any encroachment is tolerable; and
 - (b) identify any mitigation or design measures required to ensure the extent of encroachment is tolerable and the trees are capable of retention.
8. Plans submitted for building approval for each unit must demonstrate that:
 - (a) Units 2 and 7 located on future Lot 21 and Units 2-13 located on Future Lot 22 will be constructed in accordance with the certified performance-based bushfire assessment and accompanying bushfire hazard management plan (BHMP) endorsed under Condition 6; and
 - (b) all remaining units within the BAL-12.5 Habitable Building Area as shown in the approved subdivision BHMP (DAS-2018-15, JMG, Dwg B01, Revision A, Council Plan Reference P6 submitted on 17 September 2018 and approved 20 December 2019) will either be:
 - (i) constructed to BAL-12.5 consistent with the subdivision BHMP; or
 - (ii) constructed to the relevant BAL as identified in the certified performance-based bushfire assessment and accompanying bushfire hazard management plan (BHMP) endorsed under Condition 6.
9. Eight (8) trees identified as T3, T4, T8, T23, T24, T25, T26 and T32 in the Concept Services Sewer, Water and Stormwater Plans (Council Plan Reference P4, received on 25 March 2021) are approved for removal to accommodate the proposed development.

T3, T4 and T8 must not be removed prior to the issue of a Building Permit for Unit 1 located on Future Lot 10.

T23-26 inclusive must not be removed prior to the issue of a Building Permit for the units located on Future Lot 21.

T32 must not be removed prior to the issue of a Building Permit for the units located on Future Lot 22.

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.

10. Prior to the commencement of any on-site works (including any tree removal, demolition, excavations, placement of fill, delivery of building/construction materials and/or temporary buildings), all remaining native vegetation, including individual trees identified for retention in the Concept Services Sewer, Water and Stormwater Plans (Council Plan Reference P4, received on 25 March 2021)., must be retained and appropriately protected during construction through:
 - (a) implementation of all recommended tree protection measures identified in the arborist assessment required under Condition 7 and endorsed engineering drawings required under Condition 12; and
 - (b) the installation of temporary fencing between any approved on-site works and adjacent native vegetation in accordance with AS 4970-2009 to exclude:
 - (i) machine excavation including trenching;
 - (ii) excavation for silt fencing;
 - (iii) cultivation;
 - (iv) storage;
 - (v) preparation of chemicals, including preparation of cement products;
 - (vi) parking of vehicles and plant;
 - (vii) refuelling;
 - (viii) dumping of waste;
 - (ix) wash down and cleaning of equipment;
 - (x) placement of fill;
 - (xi) lighting of fires;
 - (xii) soil level changes;
 - (xiii) temporary or permanent installation of utilities and signs; and
 - (xiv) physical damage to the tree(s).

Evidence of satisfactory installation of this fencing must be provided to the Manager Development Services prior to the commencement of any on-site works.

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

- (i) the existing soil level must not be altered around the Tree Protection Zone of the trees (including the disposal of fill, placement of materials or the scalping of the soil);

- (ii) the Tree 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 Protection Zone; and
 - (iv) development and associated works are not permitted unless otherwise approved by Council in writing.
11. Prior to occupation of any of the units all subdivision infrastructure and services must be installed in accordance with DAS-2018-15 and the associated endorsed engineering drawings dated 13 November 2020.

Prior to the occupation of each unit, the unit must be connected to these services in accordance with this permit, the approved plans and associated endorsed engineering drawings required under Condition 12.

12. Prior to commencement of on-site works, engineering design drawings must be submitted to Council for approval. The engineering plans and specifications must be prepared and certified by a professional Civil Engineer, in consultation with a suitably qualified arborist. Plans must be to satisfaction of the Executive Manager Engineering Services and comply with:

- Tasmanian Standard Drawings
- Austroads Standards and Australian Standards
- Australian Rainfall and Runoff Guidelines
- Bushfire hazard management requirements as required under Condition 6.

The Plans must include, but are not limited to:

- (a) Detailed internal vehicular and pedestrian access, carparking and manoeuvring areas including:
 - i. Longitudinal and Cross sections of the driveway/access road.
 - ii. Contours, finish levels and gradients of the driveway/access road.
 - iii. Stormwater drainage.
 - iv. Pavement construction.
 - v. Wheel stops for open parking bays (as appropriate).
 - vi. Lighting for parking and vehicle circulation roadways and pedestrian paths.
- (b) Design (including supporting documentation and hydraulic calculations) of the proposed stormwater infrastructure including:
 - i. Stormwater layout details to service all dwellings on all future lots.
 - ii. A water sensitive urban design system to achieve the acceptable stormwater quality and quantity targets required in Table E7.1 of the Kingborough Interim Planning Scheme 2015 including MUSIC modelling. This is applicable for the multiple dwellings on future Lots 16, 21 and 22.

- iii. A reticulated stormwater system sized to accommodate at least the estimated 5% AEP (Annual Exceedance Probability) flow. Any on-site stormwater detention must be detailed including how the on-site detention will be serviced to prevent blockages while maintaining its capacity.
- iv. Overland flowpaths sized to accommodate the estimated 1% AEP (Annual Exceedance Probability) flow.
- (c) Design of the infrastructure is consistent with the arborist assessment required under Condition 7 and enables retention of individual trees and their associated tree root protection zones identified for retention in the Concept Services Sewer, Water and Stormwater Plans (Council Plan Reference P4, received on 25 March 2021).

Once endorsed the plans will form part of the permit.

- 13. All visitor parking spaces must be contained within the common property on any future strata title applications to the satisfaction of Council.
- 14. The construction works must be undertaken in accordance with the approved drawings. Works must be to the satisfaction and approval of the Director Engineering Services. A Permit to carry out works within a Council road reservation must be obtained prior to any works commencing within the Council road reservation.
- 15. Prior to the commencement of site works a soil and water management plan must be submitted to Council for approval. The plan must be in accordance with NRM South Soil and Water Management of Construction Sites – Guidelines and Tasmanian Standard Drawings (TSD-SW28). A site inspection of the implemented plan by the Council's Development Inspector must be satisfactorily undertaken with the principal contractor prior to the commencement of any work on site.
- 16. All waste material generated by the development or from other sources must be contained in appropriate building waste containers for periodic removal to a licensed disposal site. The receptacle must be of a size to adequately contain the amount of waste generated and must be appropriately located on the subject site and must not impede residential traffic or parking at any time.
- 17. The conditions as determined by TasWater, and set out in the attached Appendix A, form part of this permit.

ADVICE

- A. In accordance with section 53(5) of the Land Use Planning and Approvals Act 1993 this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- B. The Developer should not allocate any property address numbers for the proposed units.

New property addresses will be allocated prior to the signing of the survey plan in relation to the approved subdivision DAS 2018-15.

These numbers must then be referenced on design and As-Constructed drawings as well as any Strata Plans lodged for sealing.

- C. The approval in this permit is under the Land Use Planning and Approvals Act 1993 and does not provide any approvals under other Acts including, but not limited to Building Act 2016, Urban Drainage Act 2013, Food Act 2003 or Council by-laws.

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

- D. An application for Notifiable Plumbing Work must be lodged with Council before commencing any work.
- E. A drainage design plan at a scale of 1:200, designed by a qualified Hydraulic Designer, showing the location of the proposed sewer and stormwater house connection drains; including the pipe sizes, pits and driveway drainage, must be submitted with the application for Plumbing Permit.

ATTACHMENTS

1. Locality Plan
2. Application Site Plans and Sign
3. Checklist
4. TasWater Conditions

Locality Plan – 15 Home Avenue, Blackmans Bay





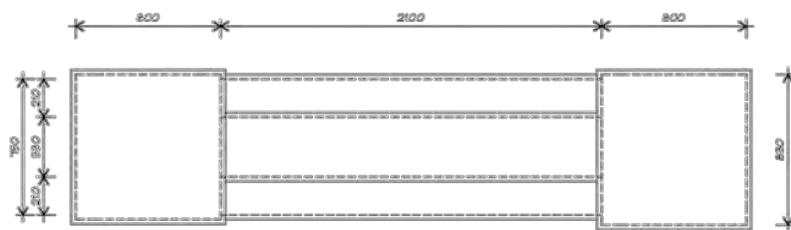
PLANNING
NOTED: DO NOT SCALE ANY DIMENSIONS

Prime Design
10 Gordon Street, Sydney, New South Wales, Australia
PO Box 1000, Sydney, New South Wales, Australia
02 9550 1000
www.prime-design.com.au

Project: PROPOSED SUBDIVISION
18 HOME AVENUE,
BLACKMANS BAY
Client: CATHOLIC CARE
Scale: OVERALL SITE PLAN

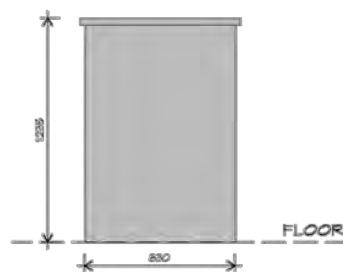
Drawn by	Approved by
E.R.G.	A.V.
Date:	Date:
22/02/2021	1:600
Project Name:	Revision:
PD2020-01	01

bdo



SIGN FLOOR PLAN

1 : 25



SIDE ELEVATION

1 : 25



FRONT ELEVATION

1 : 25



Development Application: DA 2020 - 480
Plan Reference no.: P5
Date Received: 31 March 2021
Date placed on Public Exhibition: 31 March 2021

PLANNING

NOTE: DO NOT SCALE OFF DRAWINGS



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p(h)+ 05 6332 3790
160 New Town Road, New Town, Hobart 7008
p(h)+ 05 6228 4575
info@primedesigntas.com.au primedesigntas.com.au

Project:
PROPOSED ESTATE SIGNAGE
15 HOME AVENUE,
BLACKMANS BAY

Client name:
CATHOLIC CARE

Drawing:
SIGN DETAILS

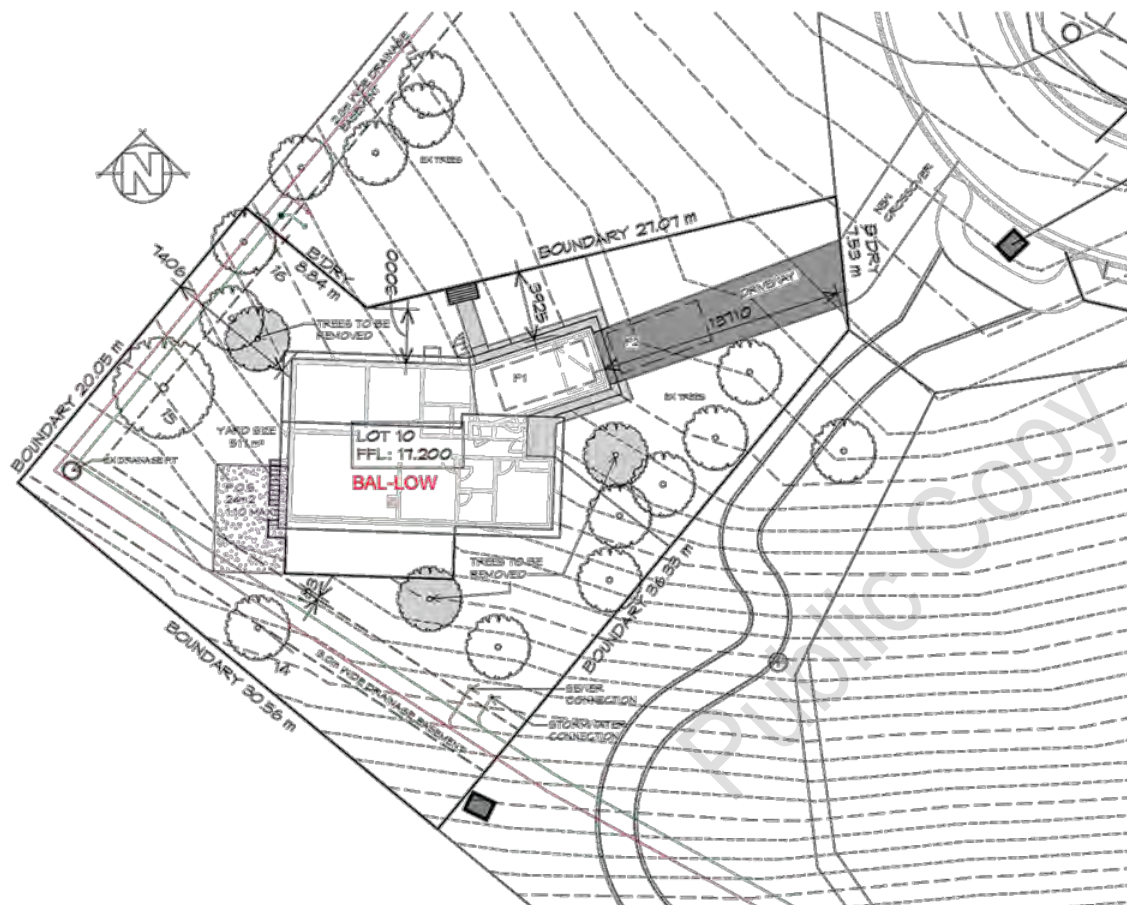
Drafted by: **A.V.** Approved by: **Approver**

Date: **16/07/2020** Scale: **As indicated**

Project/Drawing no: **PD200026 -SO1** Revision: **00**



Accredited building practitioner: Frank Geskus -No CC246A



SITE PLAN

1 : 250



10 Goodson Court, Invermay Tasmania 7248,
p(+ 03 6332 3790
160 New Town Road, New Town, Hobart 7008
p(+ 03 6228 4575
info@primedesigntas.com.au primedesigntas.com.au

Project:
PROPOSED DWELLING
LOT 10, 15 HOME AVENUE,
BLACKMANS BAY

Client name:
CATHOLIC CARE

Drafted by: E.R.G. Approved by: A.V.



Drawing:
SITE PLAN

Date: 14/07/2020 Scale: 1 : 250

Project/Drawing no: PD20031 L10-01 Revision: 04

Accredited building practitioner: Frank Geskus - No CC246A

GENERAL NOTES

- CHECK & VERIFY ALL DIMENSIONS & LEVELS ON SITE
- WRITTEN DIMENSIONS TO TAKE PREFERENCE OVER SCALED
- ALL WORK TO BE STRICTLY IN ACCORDANCE WITH NCC 2019, ALL S.A.A. CODES & LOCAL AUTHORITY BY-LAWS
- ALL DIMENSIONS INDICATED ARE FRAME TO FRAME AND DO NOT ALLOW FOR WALL LININGS
- CONFIRM ALL FLOOR AREAS
- ALL PLUMBING WORKS TO BE STRICTLY IN ACCORDANCE WITH A.S. 3500 & APPROVED BY COUNCIL INSPECTOR
- BUILDER/PLUMBER TO ENSURE ADEQUATE FALL TO SITE CONNECTION POINTS IN ACCORDANCE WITH A.S. 3500 FOR STORMWATER AND SEWER BEFORE CONSTRUCTION COMMENCES
- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE ENGINEER'S STRUCTURAL DRAWINGS
- ALL WINDOWS AND GLAZING TO COMPLY WITH A.S. 1288 & A.S. 2047
- ALL SET OUT OF BUILDINGS & STRUCTURES TO BE CARRIED OUT BY A REGISTERED LAND SURVEYOR AND CHECKED PRIOR TO CONSTRUCTION
- IF CONSTRUCTION OF THE DESIGN IN THIS SET OF DRAWINGS DIFFER FROM THE DESIGN AND DETAIL IN THESE AND ANY ASSOCIATED DOCUMENTS BUILDER AND OWNER ARE TO NOTIFY DESIGNER
- BUILDER'S RESPONSIBILITY TO COMPLY WITH ALL PLANNING CONDITIONS
- BUILDER TO HAVE STAMPED BUILDING APPROVAL DRAWINGS AND PERMITS PRIOR TO COMMENCEMENT OF CONSTRUCTION
- CONSTRUCTION TO COMPLY WITH AS 3859, READ IN CONJUNCTION WITH BUSHFIRE ATTACK LEVEL (BAL) ASSESSMENT REPORT.

SITE DETAIL

HORIZONTAL DATUM IS ARBITRARY

VERTICAL DATUM IS ARBITRARY

WARNINGS:

THE DETAIL SHOWN / RECORDED

- MAY ONLY BE CORRECT AT THE DATE OF SURVEY.
- IS NOT A COMPLETE REPRESENTATION OF ALL SURFACE AND UNDERGROUND DETAIL.
- SHOULD ONLY BE USED FOR THE PURPOSES INTENDED.

THE LOCATIONS OF UNDERGROUND SERVICES ARE APPROXIMATE ONLY AS INDICATED BY SURFACE FEATURES.

PRIOR TO ANY CONSTRUCTION REFER TO RELEVANT AUTHORITIES FOR DETAILED LOCATION OF ALL SERVICES.

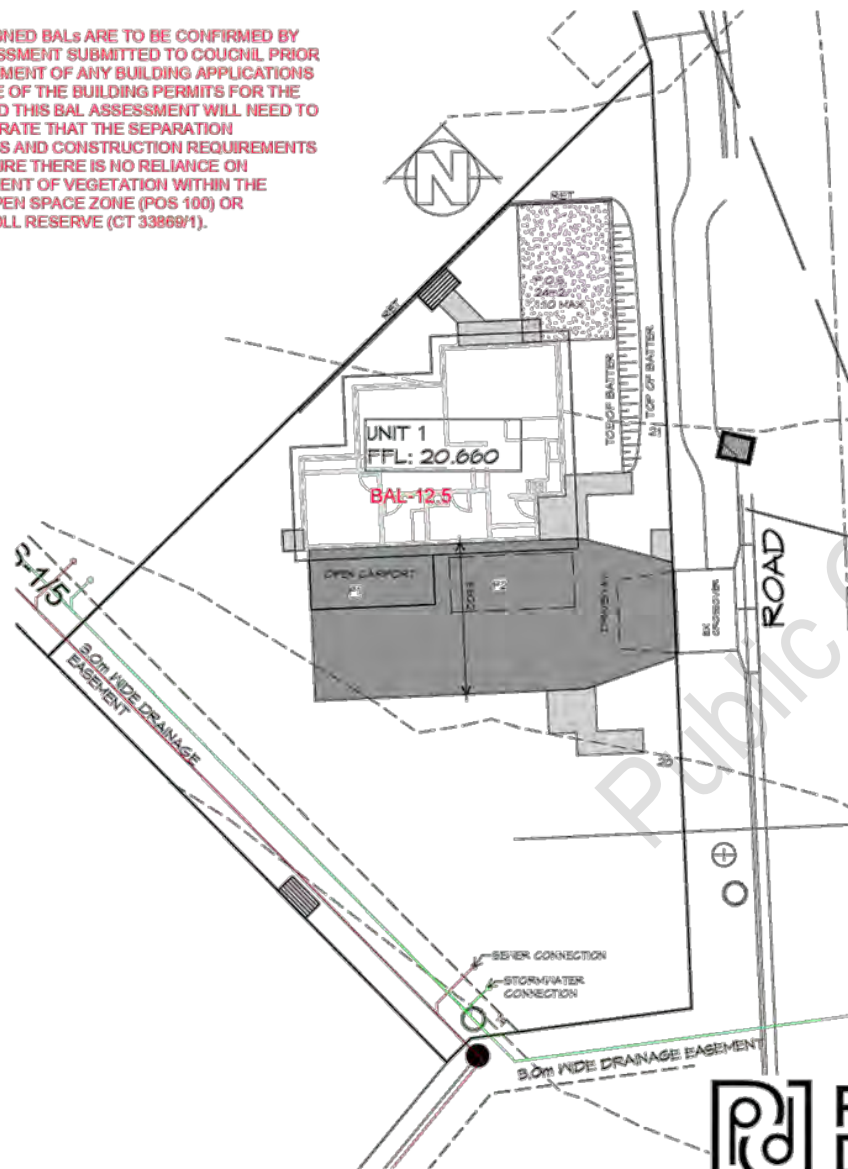
CONTOUR INTERVAL .250m

Development Application: DA 2020 - 480
Plan Reference no.: P5
Date Received: 31 March 2021
Date placed on Public Exhibition: 31 March 2021

PLANNING

NOTE: DO NOT SCALE OFF DRAWINGS

THE ASSIGNED BALs ARE TO BE CONFIRMED BY BAL ASSESSMENT SUBMITTED TO COUNCIL PRIOR TO LODGEMENT OF ANY BUILDING APPLICATIONS AND ISSUE OF THE BUILDING PERMITS FOR THE UNITS; AND THIS BAL ASSESSMENT WILL NEED TO DEMONSTRATE THAT THE SEPARATION DISTANCES AND CONSTRUCTION REQUIREMENTS WILL ENSURE THERE IS NO RELIANCE ON MANAGEMENT OF VEGETATION WITHIN THE PUBLIC OPEN SPACE ZONE (POS 100) OR MARY KNOLL RESERVE (CT 33869/1).



SITE PLAN

1 : 200



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p(0) + 03 6332 3790
160 New Town Road, New Town, Hobart 7008
p(0) + 03 6228 4575
info@primedesigntas.com.au primedesigntas.com.au

GENERAL NOTES

- CHECK & VERIFY ALL DIMENSIONS & LEVELS ON SITE
- WRITTEN DIMENSIONS TO TAKE PREFERENCE OVER SCALED
- ALL WORK TO BE STRICTLY IN ACCORDANCE WITH NCC 2019, ALL S.A.A. CODES & LOCAL AUTHORITY BY-LAWS
- ALL DIMENSIONS INDICATED ARE FRAME TO FRAME AND DO NOT ALLOW FOR WALL LININGS
- CONFIRM ALL FLOOR AREAS
- ALL PLUMBING WORKS TO BE STRICTLY IN ACCORDANCE WITH A.S. 3500 & APPROVED BY COUNCIL INSPECTOR
- BUILDER/PLUMBER TO ENSURE ADEQUATE FALL TO SITE CONNECTION POINTS IN ACCORDANCE WITH A.S. 3500 FOR STORMWATER AND SEWER BEFORE CONSTRUCTION COMMENCES
- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE ENGINEER'S STRUCTURAL DRAWINGS
- ALL WINDOWS AND GLAZING TO COMPLY WITH A.S. 1288 & A.S. 2047
- ALL SET OUT OF BUILDINGS & STRUCTURES TO BE CARRIED OUT BY A REGISTERED LAND SURVEYOR AND CHECKED PRIOR TO CONSTRUCTION
- IF CONSTRUCTION OF THE DESIGN IN THIS SET OF DRAWINGS DIFFER FROM THE DESIGN AND DETAIL IN THESE AND ANY ASSOCIATED DOCUMENTS BUILDER AND OWNER ARE TO NOTIFY DESIGNER
- BUILDER'S RESPONSIBILITY TO COMPLY WITH ALL PLANNING CONDITIONS
- BUILDER TO HAVE STAMPED BUILDING APPROVAL DRAWINGS AND PERMITS PRIOR TO COMMENCEMENT OF CONSTRUCTION
- CONSTRUCTION TO COMPLY WITH AS 3959, READ IN CONJUNCTION WITH BUSHFIRE ATTACK LEVEL (BAL) ASSESSMENT REPORT.

SITE DETAIL

HORIZONTAL DATUM IS ARBITRARY

VERTICAL DATUM IS ARBITRARY

WARNINGS:

THE DETAIL SHOWN / RECORDED

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CONTOUR INTERVAL 1.0m

Development Application: DA 2020 - 480
Plan Reference no.: P5
Date Received: 31 March 2021
Date placed on Public Exhibition: 31 March 2021

Project:
PROPOSED SUBDIVISION
LOT 12, 15 HOME AVENUE,
BLACKMANS BAY

Drawing:
SITE PLAN

Client name:
CATHOLIC CARE

Date: 27/01/2021
Scale: 1 : 200

Drafted by:
E.R.G

Approved by:
A.V

Project/Drawing no: PD20032 L12-01
Revision: 04



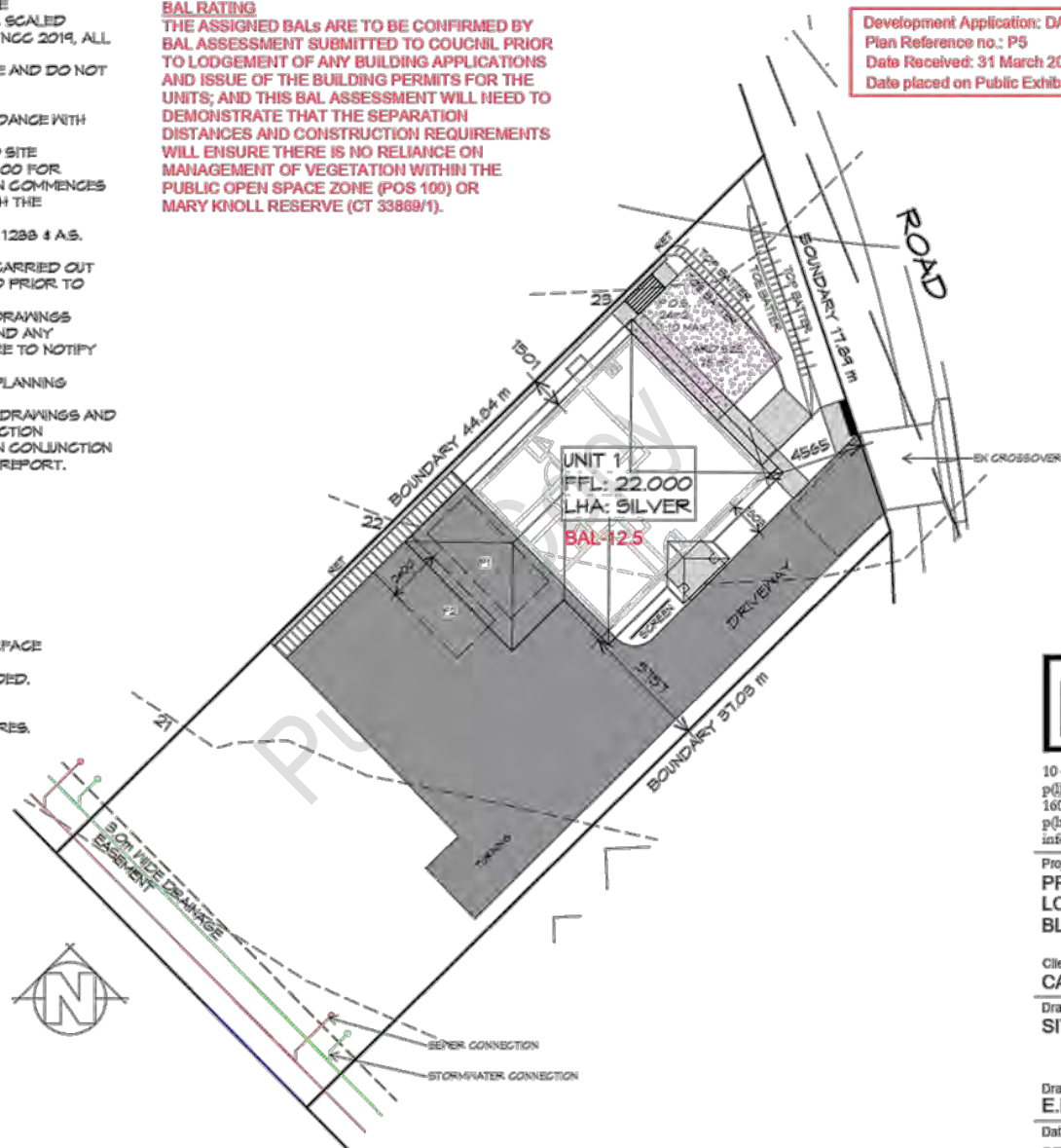
Accredited building practitioner: Frank Geskus - No CC246A

PLANNING
NOTE: DO NOT SCALE OFF DRAWINGS

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CONTOUR INTERVAL 1.0m

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1:200

Development Application: DA 2020 - 480
Plan Reference no.: P5
Date Received: 31 March 2021
Date placed on Public Exhibition: 31 March 2021

PLANNING



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Design**

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p(h)+ 03 6228 4575
info@primedesigntas.com.au primedesigntas.com.au

Project:
PROPOSED SUBDIVISION
LOT 13, 15 HOME AVENUE,
BLACKMANS BAY

Client name:
CATHOLIC CARE

Drawing:
SITE PLAN

Drafted by: E.R.G	Approved by: A.V
Date: 27/01/2021	Scale: 1 : 200

Project/Drawing no:	Revision:
PD20033 -L13-01	05
Accredited building practitioner: Frank Geskus-No 0	

bda BRITISH
DENTAL
ASSOCIATION

GENERAL NOTES

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SITE DETAIL

HORIZONTAL DATUM IS ARBITRARY

VERTICAL DATUM IS ARBITRARY

WARNINGS:

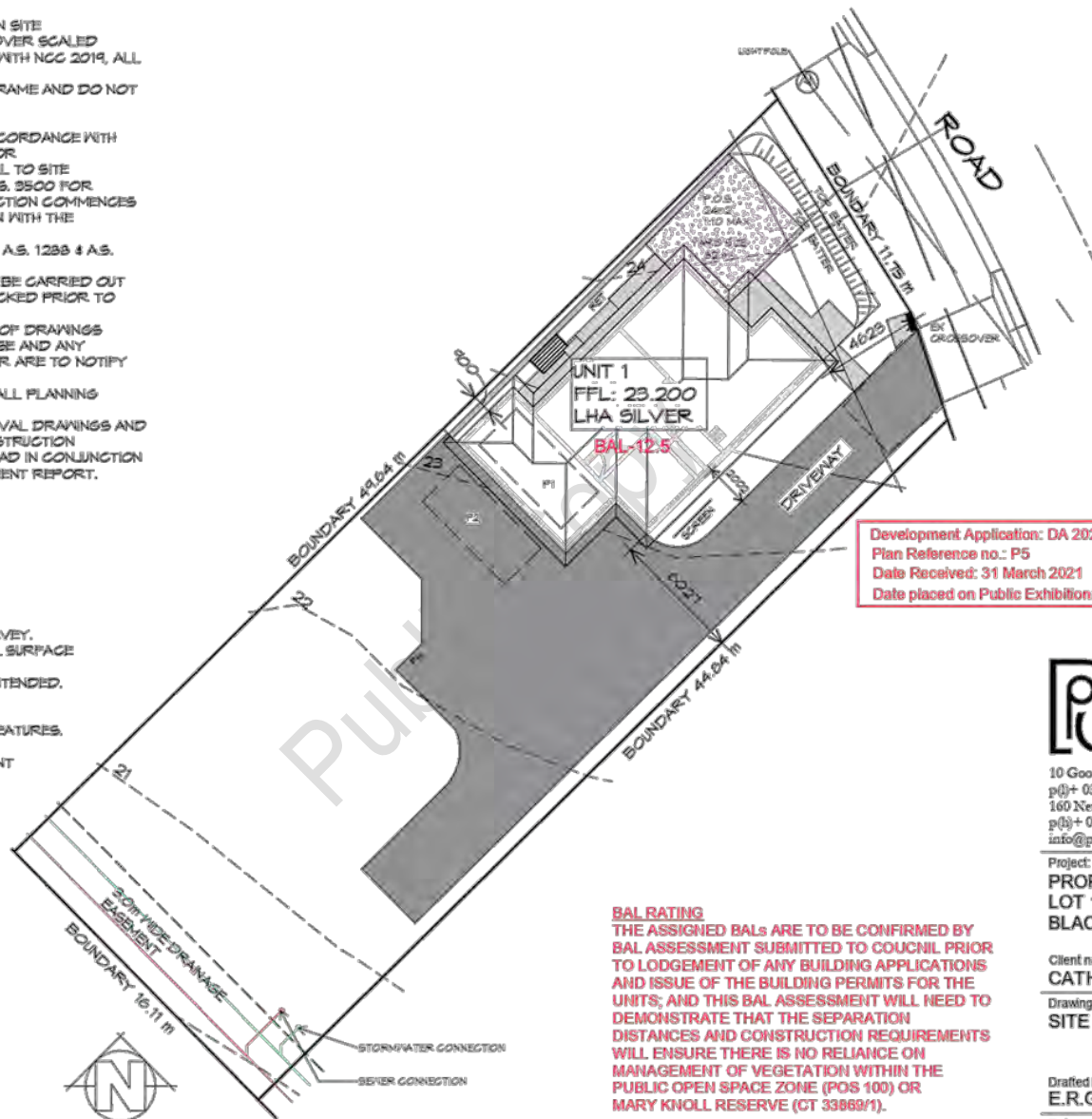
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CONTOUR INTERVAL 1.0m



Development Application: DA 2020 - 480
 Plan Reference no.: P5
 Date Received: 31 March 2021
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 info@primedesigntas.com.au primedesigntas.com.au

Project:
**PROPOSED SUBDIVISION
 LOT 14, 15 HOME AVENUE,
 BLACKMANS BAY**

Client name:
CATHOLIC CARE

Drawing:
SITE PLAN

Drafted by: **E.R.G** Approved by: **A.V**

Date: **19/08/2020** Scale: **1 : 200**

Project/Drawing no: **PD20034 -L14-01** Revision: **02**

bda BUILDING DESIGN ASSOCIATES

Accredited building practitioner: Frank Oeskus-No CC246A

SITE PLAN

1 : 200

PLANNING
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GENERAL NOTES

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SITE DETAIL

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VERTICAL DATUM IS ARBITRARY

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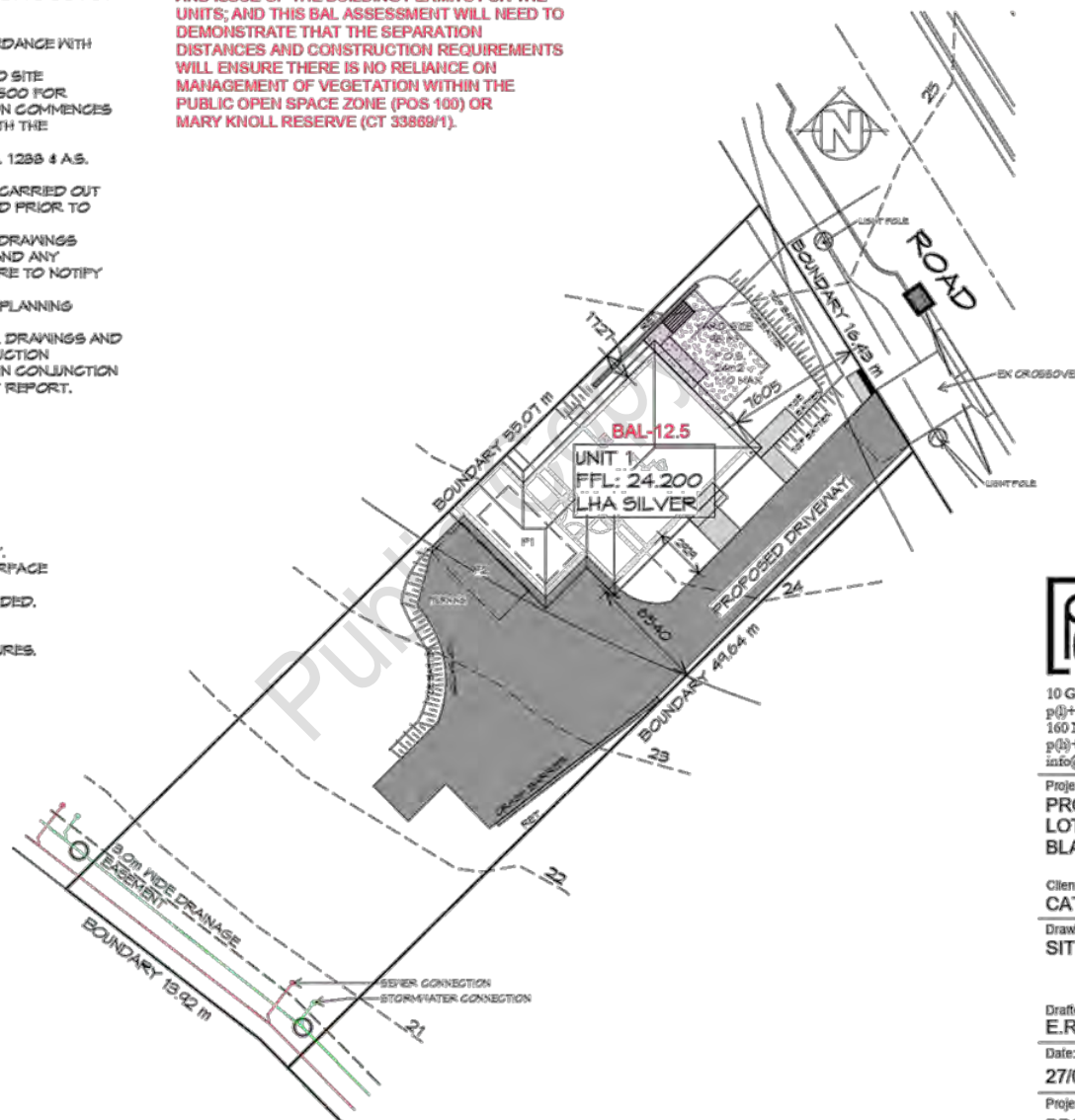
CONTOUR INTERVAL 1.0m

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Development Application: DA 2020 - 480
Plan Reference no.: P5
Date Received: 31 March 2021
Date placed on Public Exhibition: 31 March 2021

PLANNING
NOTE: DO NOT SCALE OFF DRAWINGS

**SITE PLAN**

1 : 250

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p(h)+ 03 6228 4575
info@primedesigntas.com.au primedesigntas.com.au

Project:
**PROPOSED SUBDIVISION
LOT 15, 15 HOME AVENUE,
BLACKMANS BAY**

Client name:
CATHOLIC CARE

Drawing:
SITE PLAN

Drafted by:
E.R.G

Approved by:
A.V

Date:
27/01/2021

Scale:
1 : 250

Project/Drawing no.:
PD20035 - L15-01

Revision:
05

bda REGISTERED BUILDING DESIGNER

Accredited building practitioner: Frank Geskus - No CC246A

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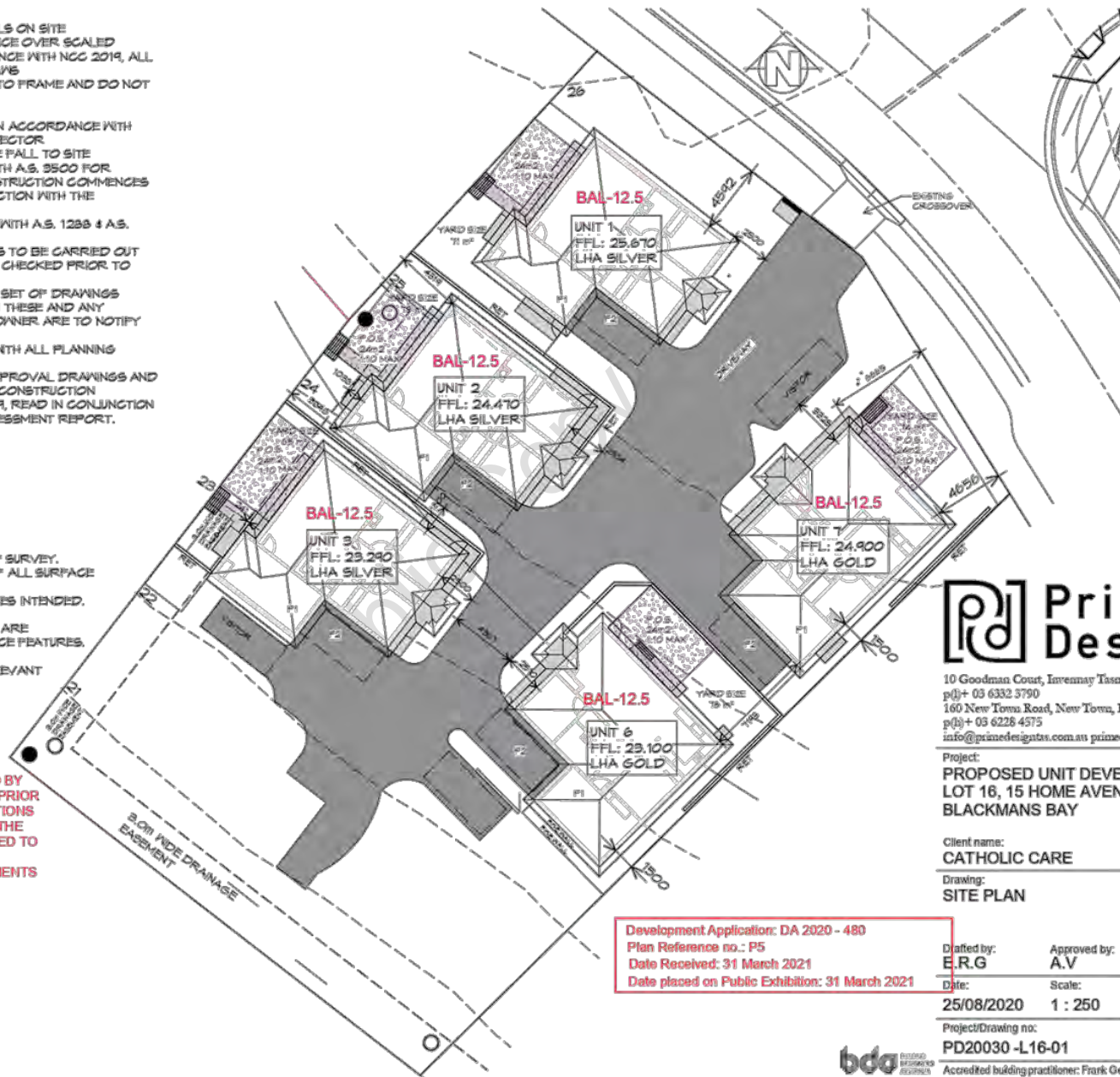
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SITE PLAN

1 : 250



PLANNING

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p(0) + 03 6228 4575
info@primedesign.com.au primedesign.com.au

Project:
PROPOSED UNIT DEVELOPMENT
LOT 16, 15 HOME AVENUE,
BLACKMANS BAY

Client name:
CATHOLIC CARE

Drawing:
SITE PLAN

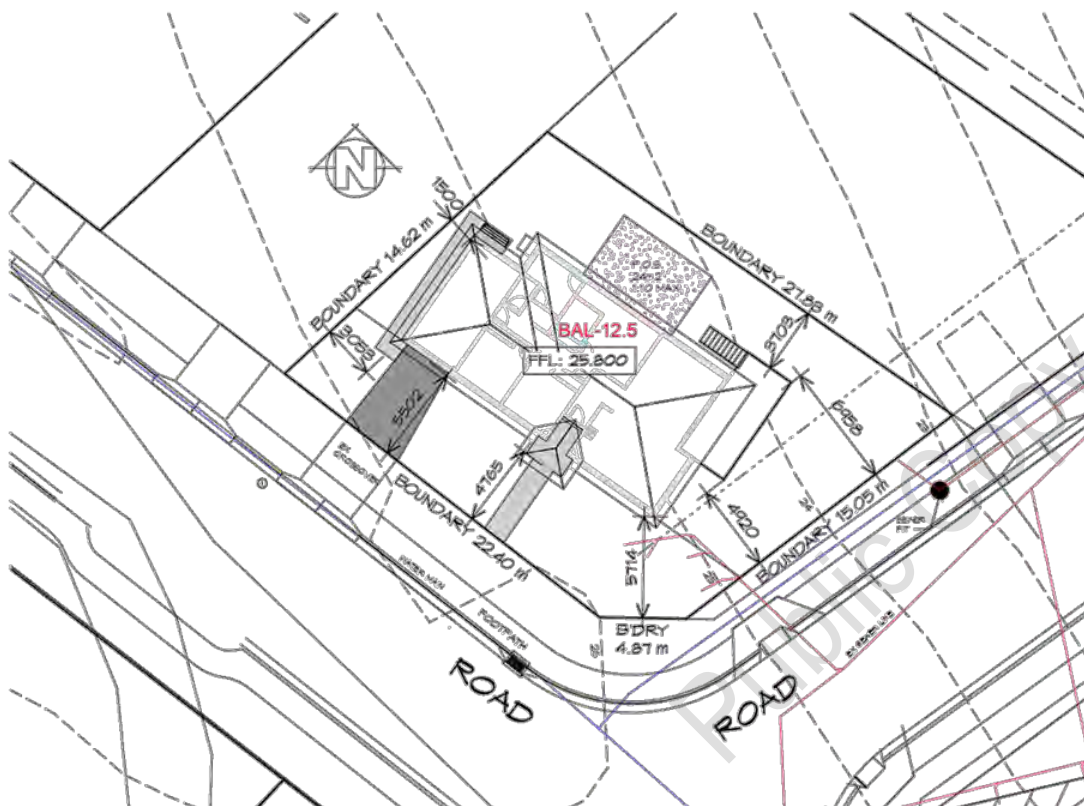
Development Application: DA 2020 - 480
Plan Reference no.: P5
Date Received: 31 March 2021
Date placed on Public Exhibition: 31 March 2021

Drafted by: E.R.G. Approved by: A.V.
Date: 25/08/2020 Scale: 1 : 250

Project/Drawing no: PD20030-L16-01 Revision: 04

Accredited building practitioner: Frank Gekus - No CC246A





SITE PLAN

1 : 250

BAL RATING

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LOT 19



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CONTOUR INTERVAL 1.0m

Development Application: DA 2020 - 480
Plan Reference no.: P5
Date Received: 31 March 2021
Date placed on Public Exhibition: 31 March 2021

Project:
PROPOSED SUBDIVISION
LOT 19, 15 HOME AVENUE,
BLACKMANS BAY

Client name:
CATHOLIC CARE

Drafted by: E.R.G. Approved by: A.V.

Drawing:
SITE PLAN

Date: 24/08/2020 Scale: 1 : 250

Project/Drawing no: PD20037 L19-01 Revision: 05



Accredited building practitioner: Frank Geskus - No CC246A

PLANNING

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22/03/2021 - BUSHFIRE SETBACKS & NOTES UPDATED

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Development Application: DA 2020 - 480
Plan Reference no.: P5
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Plan Reference no.: P5
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PLANNING
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MAJOR
TRANSMISSION
LINE

NOTE: UNIT 1 & UNIT 8 NOT USED

W/AYLEAVE
EASEMENT

PROPOSED
DRIVEWAY
ACCESS

3.0m WIDE DRAINAGE
EASEMENT

ROAD
100

ROAD
101

SITE PLAN

1 : 350

**Prime
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160 New Town Road, New Town, Hobart 7008
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Project:
PROPOSED SUBDIVISION
LOT 21, 15 HOME AVENUE,
BLACKMANS BAY

Client name:
CATHOLIC CARE

Drafted by:
E.R.G. Approved by:
A.V.

bda
REGISTERED
DESIGNER

Drawing:
SITE PLAN

Date: 22/02/2021 Scale: 1 : 350

Project/Drawing no: PD20038 L21-01 Revision: 05

Accredited building practitioner: Frank Geskus -No CC246A





Attachment 1

ASSESSMENT CHECKLIST

ZONE PROVISIONS

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
General Residential Zone					
Residential density for multiple dwellings (Cl.10.4.1).	<ul style="list-style-type: none"> A1 – Multiple dwellings must have a site area per dwelling of not less than: <ol style="list-style-type: none"> 325m²; or if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area. 	✓			<p>A1 –. Complies. Density for the subject site is 1056 m² per dwelling. This figure is based on dividing the current total site area of the General Residential Zoned land at the time of lodgement of the application (3.17 ha) by the number of proposed dwellings (30).</p> <p>The density has also been calculated based on the assumption that the subdivision, Permit DAS 2018-15, has been completed and the new General Residential lots created. The proposed site area per dwelling complies with A1 when considered on this basis as follows:</p> <p>Lot 10 - 896m² per dwelling Lot 12 - 670m² per dwelling Lot 13 - 661m² per dwelling Lot 14 - 770m² per dwelling Lot 15 - 837m² per dwelling Lot 16 - 456m² per dwelling Lot 19 - 561m² per dwelling Lot 21 - 542m² per dwelling Lot 22 - 381m² per dwelling</p>
Setbacks and building envelop for all dwellings (Cl.10.4.2).	<ul style="list-style-type: none"> A1- Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is: <ol style="list-style-type: none"> if the frontage is a primary frontage, at 	✓			<p>A1 – Complies –. The proposal complies with the setbacks from the existing street frontages off Blowhole Road, Derwent Avenue and Ocean Esplanade. The setbacks from these frontages are 44m, 14.1m and 55.3m respectively.</p> <p>The setbacks have also been calculated based on the assumption that the subdivision, Permit DAS 2018-15, has been</p>

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
	<p>least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</p> <p>(b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p> <p>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>				<p>completed and the new General Residential lots created. The proposed setbacks comply with A1 when considered on this basis as follows:</p> <p>Lot 10 13.71m.</p> <p>Lot 125.0m.</p> <p>Lot 134.56m.</p> <p>Lot 144.62m.</p> <p>Lot 157.6m.</p> <p>Lot 164.59m.</p> <p>Lot 194.76m (Primary); 4.92m (Non-Primary).</p> <p>Lot 214.56m.</p> <p>Lot 224.5m (Primary); 3.0m (Non-Primary).</p>
	<ul style="list-style-type: none"> A2 -A garage or carport must have a setback from a primary frontage of at least: <ul style="list-style-type: none"> (a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or 	✓			<p>A2 – Complies – The proposal complies as the required setbacks from the existing street frontages of Blowhole Road, Derwent Avenue and Ocean Esplanade. are 44m, 14.1m and 55.3m respectively.</p> <p>The garage/carport setbacks have also been calculated based on the</p>

CLAUSE	COMPLIES?			COMMENTS
	YES	NO	N/A	
<p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.</p>				<p>assumption that the subdivision, Permit DAS 2018-15, has been completed and the new General Residential lots created. The proposed setbacks comply with A1 when considered on this basis as follows:</p> <p>Lot 10 13.7m. Lot 12 11.2m Lot 13 14.8m Lot 14 16.0m. Lot 15 18.8m. Lot 16 12.4m. Lot 19 5.52m. Lot 21 6.9m. Lot 22 8.5m.</p>
<ul style="list-style-type: none"> A3 - A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must: <ul style="list-style-type: none"> (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees 	✓			<p>A3 – Complies - All the dwellings comply to the Building Envelope including the height and side and rear boundary set back requirements.</p> <p>The 30 dwellings have also been assessed on the assumption that the subdivision, Permit DAS 2018-15, has been completed and the new General Residential lots created. The proposed building heights and setbacks comply with A3.</p> <p>Note is made that the Horizontal and Vertical Datums on the plans is note as “Arbitrary” due to the subdivision works currently being undertaken in relation to the require works for DAS 2018-15. Conditions have been included in the Permit to:</p> <ul style="list-style-type: none"> require compliance to the setbacks required to achieve compliance with the Acceptable Standards in the Planning Scheme for the boundary setbacks in relation to the boundaries of the new lots under Permit DAS 2018-15; and

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
	<p>from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and</p> <p>(b) only have a setback within 1.5 m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or</p> <p>(ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).</p>				<ul style="list-style-type: none"> maintain the maximum heights of the dwellings as detailed in the approved plans and to achieve compliance to with the Acceptable Standards in the Planning Scheme for the building envelopes.
	<ul style="list-style-type: none"> A4 - No trees of high conservation value will be impacted. 		X		<p>A4 – Not Complying.</p> <p>The works will impact on trees of high conservation value, and therefore do not comply with A1 and must be assessed against the performance criteria.</p>
Site coverage and private open space for all dwellings (Cl.10.4.3)	<p>A1 – Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p> <p>(b) for multiple dwellings, a total area of private open</p>	✓			<p>A1(a) – Complies. Site coverage for the subject site is less than 12%. This figure is based on dividing the current total site area at the time of lodgement of the application of 3.17ha by the</p>

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
	space of not less than 60m ² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and (c) a site area of which at least 25% of the site area is free from impervious surfaces.				<p>number of proposed dwellings (30).</p> <p>The site coverage has also been calculated based on the assumption that the subdivision, Permit DAS 2018-15, has been completed and the new General Residential lots created. The site coverage complies with A1 when considered on this basis and is in the range of 20-35% for the relevant lots.</p> <p>A1(b) – Complies - Each dwelling has a total area of private open space of not less than 60m².</p> <p>A1(c) – Complies - at least 25% of the site area is free from impervious surfaces. The total amount of the site to be covered by impervious surfaces including roofed areas, driveways, road, footpaths is less than 37%.</p>
	<ul style="list-style-type: none"> A2 - A dwelling must have an area of private open space that: <ul style="list-style-type: none"> (a) is in one location and is at least: <ul style="list-style-type: none"> (i) 24 m²; or (ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (b) has a minimum horizontal dimension of: <ul style="list-style-type: none"> (i) 4 m; or (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely 		X		<p>A2 – Not Complying. There are a number of dwellings that do not have a Private Open Space area that complies with all of the requirements in A2.</p> <p><u>Non-complying Units:</u></p> <ul style="list-style-type: none"> Lot 10/Unit 1 Lot 13/Unit 1 Lot 14/Unit 1 Lot 15/Unit 1 Lot 16/Unit 7 Lot 19/Unit 1 Lot 22/Unit 11 <p><u>Complying Units:</u></p> <ul style="list-style-type: none"> Lot 12/Unit 1 Lot 16/Units 1, 2, 3, 6 Lot 21/Units 2, 3, 4, 5, 6, 7. Lot 22/Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13.

CLAUSE	COMPLIES?			COMMENTS	
	YES	NO	N/A		
<p>more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and</p> <p>(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>					
Sunlight and overshadowing for all dwellings (Cl.10.4.4)	<ul style="list-style-type: none">A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).		X		A1 – Not Complying - Given the orientation of the existing lot boundaries and the approved lot boundaries in DAS 2018-15 only the dwellings on proposed Lots 10 and 12 would have a habitable window orientated within 30° of north.
	<ul style="list-style-type: none">A2 - A multiple dwelling that is to the north of a window of a habitable room (other than a		X		A2 - Complying – The majority of -the dwellings do not have an orientation 30° of north and therefore do not have

CLAUSE	COMPLIES?			COMMENTS
	YES	NO	N/A	
<p>bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):</p> <p>(i) at a distance of 3 m from the window; and</p> <p>(ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.</p> <p>(b) The multiple dwelling does not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <p>(i) an outbuilding with a building height no more than 2.4 m; or</p> <p>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.</p>				<p>window facing between 30 degrees west of north and 30 degrees east of north. Accordingly, the Acceptable Solution is not applicable.</p> <p>However where a north facing window is proposed the design of the dwellings complies with the Acceptable Solution.</p> <p>The only dwelling north of a complying north facing window of a dwelling on the same site is Unit 1 on Lot 12. This situation complies with A2(a) as the two proposed dwellings are separated by car parking spaces between them.</p>
<ul style="list-style-type: none"> A3 - A multiple dwelling, that is to the north of the private open space, 		X		A3 –Complies – Shadow diagrams have been provided demonstrating the

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
	<p>of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):</p> <p>(i) at a distance of 3 m from the northern edge of the private open space; and</p> <p>(ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.</p> <p>(b) The multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <p>(i) an outbuilding with a building height no more than 2.4 m; or</p> <p>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.</p>				<p>overshadowing of dwellings. The proposed dwellings are shown to not cause 50% of the private open space of other dwellings to receive less than 3 hours of sunlight between 9am and 3pm on 21 June.</p> <p>The sunlight and overshadowing standard A3 has also been calculated based on the assumption that the subdivision, Permit DAS 2018-15, has been completed and the new General Residential lots created. The dwellings on the proposed lots comply with A3.</p> <p>This situation may change with any future development of further dwellings on proposed Lots 13, 14, and 15. However that is a matter to be assessed at the time of any development applications and in accordance with the relevant Planning Scheme standards.</p>
Width of openings for garages and carports for all	<ul style="list-style-type: none"> A1 - A garage or carport within 12 m of a primary frontage (whether the garage or carport is free- 	✓			A1 - Complies – A garage/carport is not proposed within 12m on the existing frontages.

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
dwelling (Cl.10.4.5)	standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6 m or half the width of the frontage (whichever is the lesser).				The garage and carport widths have also been calculated based on the assumption that the subdivision, Permit DAS 2018-15, has been completed and the new General Residential lots created. The dwellings on the proposed lots all comply with A1 - i.e. any garages/carports within 12m of a frontage have openings of no more than 6m or half the width of the frontage.
Privacy for all dwellings (Cl.10.4.6)	<ul style="list-style-type: none"> A1 - A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: <ul style="list-style-type: none"> (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4 m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, 	✓			<p>A1 – Complies.</p> <p>The majority of the dwellings are a single storey and therefore the number of elevated decks and similar structures are limited.</p> <p>There are elevated decks only on Lots 10, 19 and 22. The dwellings with these structures are well separated from both existing and proposed approved lot boundaries and other dwellings on the site/s. They comply with A1 standards.</p> <p>Elevated decks (with a finished surface level more than 1m above natural ground level) are proposed on the north-eastern side of Units 1, 2, 3, 4, 5, and 6 on proposed Lot 22. They are well separated from existing and proposed approved side and rear boundaries. The decks generally achieve the required 6m separation from other areas of Private Open Space with the exception of the Private Open Spaces for Units 4 and 5. A permanently fixed screen is to be provided on the edge of the deck on Unit 5 facing the POS of Unit 4 in compliance with A1.</p> <p>The decks for Lot 22 Units 1 to 6 would be less than 6m from the windows within the south-western elevations of the other dwellings on the lot to the east (Units 7 to 13). These windows</p>

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
	<p>roof terrace, parking space, or carport is at least 6 m:</p> <p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</p>				would not be habitable rooms as defined (i.e. they are bathrooms, toilets and hallways) and therefore complies to A1.
	<ul style="list-style-type: none"> A2 - A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b): <p>(a) The window or glazed door:</p> <p>(i) is to have a setback of at least 3 m from a side boundary; and</p> <p>(ii) is to have a setback of at least 4 m from a rear boundary; and</p> <p>(iii) if the dwelling is a multiple dwelling, is to be at least 6 m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</p>	✓			<p>A2 – Complies - Due to the general slope of the site several dwellings will have floor levels greater than 1m above natural ground level.</p> <p>The windows of the dwellings on proposed lots 10, 13, 14, 15, 19 and 21 achieve the separation required from existing and approved boundaries, areas of Private Open Space, and other habitable room windows within the development.</p> <p>There are dwellings with habitable rooms with elevated floor levels on proposed Lot 22. Their windows achieve the separation required from other habitable windows.</p> <p>Several of the dwellings along the south-western boundary of proposed Lot 22 (Units 1-6) will be less than 6m apart. However windows to habitable rooms with elevated floor levels are not proposed within the respective elevations where the required separation is not achieved, as only windows to non-habitable rooms are proposed in this</p>

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
	<p>(iv) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space of another dwelling on the same site.</p> <p>(b) The window or glazed door:</p> <p>(i) is to be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or</p> <p>(ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.</p>				<p>situation. The dwellings within the north-eastern row (Units 7-13) would not have habitable room windows that face other habitable room windows.</p> <p>This situation may change with any future development of further dwellings on proposed Lots 13, 14, 15 and 21. However that is a matter to be assessed at the time of any development applications and in accordance with the relevant Planning Scheme standards.</p>
	<ul style="list-style-type: none"> A3 - shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a 	✓			<p>A3 – Complies – The proposal complies in that the separation distance of 2.5m is provided between shared driveways and habitable room windows and screens provided where a lessor separation occurs under A3(b).</p>

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
	<p>horizontal distance of at least:</p> <p>(a) 2.5 m; or</p> <p>(b) 1 m if:</p> <p>(i) it is separated by a screen of at least 1.7 m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7 m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.</p>				
Frontage fences for all dwellings (Cl. 10.4.7)	<ul style="list-style-type: none"> A1 – A fence (including a free-standing wall) within 4.5 m of a frontage must have a height above natural ground level of not more than: <p>(a) 1.2 m if the fence is solid; or</p> <p>(b) 1.8 m, if any part of the fence that is within 4.5 m of a primary frontage has openings above a height of 1.2 m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).</p> 	✓			<p>A1 – Complies - All fences proposed in the application are well clear (more than 4.5m) of the existing frontages.</p> <p>The proposed fences comply with the Acceptable solution standards in relation to the proposed lots and frontages approved in DAS 2018-15. Any proposed frontage fencing that is over 1.2m and up to 1.8m high will provide the required transparency.</p>
Waste storage for multiple dwellings (Cl. 10.4.8)	<ul style="list-style-type: none"> A1 -.A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m2 per dwelling and is within one of the following locations: <p>(a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> 		X		<p>A1 – Not Complying – Dwellings on Lots 12,13, 14, and 15 do not comply as the location of the storage areas for the waste and recycling bins are in the front of the respective dwellings.</p>

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
	(b) in a communal storage area with an impervious surface that: <ul style="list-style-type: none"> (i) has a setback of at least 4.5 m from a frontage; and (ii) is at least 5.5 m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2 m above the finished surface level of the storage area. 				

Code Provisions

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
E1.0 Bushfire-Prone Areas Code The proposed use of multiple dwellings are not classified as vulnerable or hazardous uses and subdivision is not proposed. Therefore the Bushfire-Prone Areas Code is not applicable to the application. [Note: vulnerable use includes: (d) Residential if for respite centre, residential aged care home, retirement home, and group home.]					
E3.0 Landslide Code (Low) The proposed use of multiple dwellings are not classified as vulnerable or hazardous uses and subdivision is not proposed. The proposed uses for Multiple Dwellings are exempt under Cl.E3.4 - Use or Development Exempt from this Code: ...(c) buildings within a Low Landslide Hazard Area.					
E6.0 Parking and Access Code					
Use standards – number of car parking spaces (Cl.E6.6.1)	<ul style="list-style-type: none">A1 - Number of on-site car parking spaces complies with table				A1 – Complies - Parking for multiple dwellings is total of spaces.
Number of vehicular accesses (Cl.E6.7.1)	<ul style="list-style-type: none">A1 – Number of vehicle access points complies				A1 - Complies – The subject.

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
Design of vehicular accesses (CL.E6.7.2)	<ul style="list-style-type: none"> A1 - Design of vehicle access points complies 				A1 - Complies – The access and manoeuvring areas have been designed to comply with the standards.
Vehicular Passing Areas Along an Access (CL.E6.7.3)	<ul style="list-style-type: none"> A1 - Vehicular passing areas along an access. 				A1 – Complies -
On-Site Turning (CL.6.7.4)	<ul style="list-style-type: none"> A1 - On-site turning must be provided to exit a site in a forward direction, except if it serves no more than two dwelling units. 				A1 – Complies - Proposed driveway is 6m wide.
Layout of Parking Areas (CL.6.7.5)	<ul style="list-style-type: none"> A1 - layout in compliance with Australian Standard. 				A1 – Complies – to be built to Australian Standard (Section 2 'Design of Parking Modules' Australian Standard AS2890.1:2004 Parking Facilities: Off-street car parking.
Surface Treatment of Parking Areas (CL.6.7.6)	<ul style="list-style-type: none"> A1 - Parking spaces and vehicle circulation roadways provided 				A1 – Complies – Vehicle accessible areas will be sealed.
Lighting of Parking Areas (CL.6.7.7)	<ul style="list-style-type: none"> A1 - Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting 				A1 – Complies – Low level security lighting to be provided. Condition on permit.
Landscaping of Parking Areas (CL.6.7.8)	<ul style="list-style-type: none"> Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed 				A1 – Complies –the proposal includes site landscaping.
Access to a road (CL.6.7.14)	<ul style="list-style-type: none"> A1 - – Access to a road complies with road authority requirements 				A1 - Complies - Access to Jenkins St to comply with Council requirements.
E7.0 Stormwater Management Code					
Stormwater drainage and disposal (CL.E7.7.1)	<ul style="list-style-type: none"> A1 - Disposal of stormwater to public infrastructure 				A1 - Complies – Stormwater is to be to the existing public stormwater infrastructure
	<ul style="list-style-type: none"> A2 – Sensitive design of stormwater system 				A2 – Complies –

CLAUSE	COMPLIES?			COMMENTS
	YES	NO	N/A	
incorporates water sensitive urban design principles				
• A3 – Design of minor stormwater drainage system				A3 – Complies -
• A4 – Design of major stormwater drainage system				A4 – Complies -.
E10.0 Biodiversity Code				
Buildings and Works (E10.7.1)	• A1 - Clearance and conversion or disturbance must be within a Building Area on a plan of subdivision approved under this planning scheme.		X	A1 - Not Complying – There is no Building Areas on a plan of subdivision approved under this planning scheme.
E11.0 Waterways and Coastal Protection Code. The site is within a Waterway and Coastal Protection Area however the proposal will not impact this area therefore Code E11.0 is not applicable.				
E17.0 Signs Code				
Use of Signs (E.17.6.1)	• A1 - A sign must be a permitted sign in Table E.17.3.		P	A1 – Not Complying – The proposed sign is a “ground based sign” and it contains the name of the estate – Maryknoll Estate. It is discretionary in the General Residential Zone. [ground based sign - means a sign permanently attached to the ground on its own supportive structure, independent of any building, primarily intended to identify the premises or its access on arrival and not be seen from a distance. Does not include a pole or pylon sign or ground based panel sign.]
	• A2 - A sign associated with the sale of goods or services must relate directly to the use of the building or site to which it is affixed.			P A2 – NA.
	• A3 - A sign must not contain flashing lights, moving parts or moving	P		A3 – Complies. The sign does not contain flashing lights, moving

CLAUSE	COMPLIES?			COMMENTS
	YES	NO	N/A	
				parts or moving or changing messages or graphics.
<ul style="list-style-type: none"> or changing messages or graphics, except if a Statutory Sign 				
<ul style="list-style-type: none"> A4 - An illuminated sign must not be located within 30 metres of a residential use, except if a Statutory Sign. 	P			A4 – Complies – the sign is not illuminated.
Development Standards (E17.7.1) <ul style="list-style-type: none"> A1 - A sign must comply with the standards listed in Table E.17.2 and be a permitted sign in Table E17.3 		X		A1 - Not Complying – <ul style="list-style-type: none"> The sign does not comply with the Table E.17.2 standard for a ground based sign in relation to the area of each face – (should not be more than 2.5m²): <ul style="list-style-type: none"> The words Maryknoll Estate on the sign have an area of 0.7m² however the area of face of the sign structure is 4.1m². The sign is not a permitted sign in Table E17.3. The ground based sign complies with the following size standards in Table E17.3: <ul style="list-style-type: none"> (a) Height above the ground no more than 2400mm: <ul style="list-style-type: none"> The sign has a height of 1.235m. (c) Does not encroach on any road or other public reservation. <ul style="list-style-type: none"> The sign is located on a lot within the estate and does not encroach n the road or a public reservation.
<ul style="list-style-type: none"> A2 - The number of signs per business per street frontage must comply with all of the following: 	P			A2 – Complies – there is only 1 sign.

CLAUSE	COMPLIES?			COMMENTS
	YES	NO	N/A	
(a) maximum of 1 of each sign type; (b) maximum of 1 window sign per window; (c) if the street frontage is less than 20 m in length, the maximum number of signs on that frontage is 3; (d) if the street frontage is 20 m in length or greater, the maximum number of signs on that frontage is 6. except for the following sign types, for which there is no limit; (i) Building Site, (ii) Name Plate, (iii) Newspaper Day Bill, (iv) Open/Closed, (v) Real Estate, (vi) Street Number, (vii) Temporary Sign.				
<ul style="list-style-type: none"> A3 - Signs must not obscure or prevent or delay a driver from seeing a Statutory Sign or a Tourist Information Sign. 	P			A3 – Complies. The sign is located in the front yard of proposed lot 21 adjacent to the new internal road. It does not obscure or prevent or delay a driver from seeing a Statutory Sign or a Tourist Information Sign.
<ul style="list-style-type: none"> A4 - Signs must not resemble Statutory Signs because of the same or similar shape, size, design, colour, letter size or lighting. 	P			A4 – Complies – The sign is clearly an Estate Name sign and does not resemble a Statutory Signs.

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



Submission to Planning Authority Notice

Council Planning Permit No.	DA2020-480	Council notice date	29/09/2020
TasWater details			
TasWater Reference No.	TWDA 2020/01548-KIN	Date of response	01/06/2021
TasWater Contact	Phil Papps	Phone No.	0474 931 272
Response issued to			
Council name	KINGBOROUGH COUNCIL		
Contact details	kc@kingborough.tas.gov.au		
Development details			
Address	15 HOME AVE, BLACKMANS BAY	Property ID (PID)	7540990
Description of development	Multiple dwellings x 38		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Prime Design	Lot 10 Site Plan / L10-01	04	24/08/2020
Prime Design	Lot 12 Site Plan / L12-01	03	24/08/2020
Prime Design	Lot 13 Site Plan / L13-01	04	19/08/2020
Prime Design	Lot 14 Site Plan / L14-01	02	19/08/2020
Prime Design	Lot 15 Site Plan / L15-01	04	24/08/2020
Prime Design	Lot 16 Site Plan / L16-01	04	25/08/2020
Prime Design	Lot 19 Site Plan / L19-01	05	24/08/2020
Prime Design	Lot 21 Site Plan / L21-01	00	24/08/2020
Prime Design	Lot 22 Site Plan / L22-01	03	24/08/2020
JMG	Concept Services / C01 – C14JMG	DA/P1	28/08/2021
JMG	Concept Services Report	V1	Aug 2020
Conditions			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p>CERTIFICATES OF TITLE</p> <p>1. Prior to the issue of a Certificate for Certifiable Work (Building) and (Plumbing) the developer must provide copies to TasWater of the Certificates of Title for the relevant lots created by the subdivision of the land the subject of Council permit DAS-2018-15.</p> <p>CONNECTIONS, METERING & BACKFLOW</p> <p>2. A suitably sized water supply with metered connections and sewerage system and connections to the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</p> <p>3. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</p>			



4. Prior to use of the development, any water connection utilised for the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.

56W CONSENT

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

DEVELOPMENT ASSESSMENT FEES

6. The applicant or landowner as the case may be, must pay a development assessment fee of \$1,139.79 to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date paid to TasWater.

The payment is required within 30 days of the issue of an invoice by TasWater.

Advice

General

For information on TasWater development standards, please visit <http://www.taswater.com.au/Development/Development-Standards>

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

Service Locations

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.

The location of this infrastructure as shown on the GIS is indicative only.

- (a) A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater
- (b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit www.taswater.com.au/Development/Service-location for a list of companies.

56W Consent

The plans submitted with the application for the Certificate for Certifiable Work (Building) and/or (Plumbing) are required to show, if applicable, footings of proposed buildings located within 2.0m from TasWater pipes and will need to be designed by a suitably qualified person to adequately protect the integrity of TasWater's infrastructure, and to TasWater's satisfaction, be in accordance with AS3500 Part 2.2 Section 3.8 to ensure that no loads are transferred to TasWater's pipes. These plans will need to also include a cross sectional view through the footings which clearly shows;

- (a) Existing pipe depth and proposed finished surface levels over the pipe;
- (b) Footings to be located outside of TasWater easements and be no closer than 1.0m from the outside pipewall of the TasWater infrastructure;
- (c) The line of influence from the base of the footing must pass below the invert of the pipe and be clear of the pipe trench and;
- (d) A note on the plan indicating how the pipe location and depth were ascertained.
- (e) The location of the property service connection and sewer inspection opening (IO).

Declaration

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



Authority Notice.

Authorised by

A handwritten signature in black ink, appearing to read "J Taylor".

Jason Taylor

Development Assessment Manager

TasWater Contact Details

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

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Version No: 0.1

PLANNING AUTHORITY SESSION ADJOURNS

OPEN SESSION

15 NOTICES OF MOTION

15.1 Climate Change Resourcing

The following Notice of Motion was submitted by **Cr Midgley**

RECOMMENDATION

That Council considers an additional \$50,000 of funding in the 2021/2022 midyear budget review to address actions identified under the key priority areas in the Kingborough Climate Change Plan 2019-2024. These key priority areas are:

- Climate change strategic management;
- Energy and greenhouse gas management; and
- Climate change adaption.

Background

In July 2019, Kingborough Council declared a Climate Change and Biodiversity Emergency.

Kingborough Council has a Climate Change Plan 2019-2024 (the plan) and Climate Change Adaption Policy (the policy).

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

- climate change strategic management;
- energy and greenhouse gas management; and
- climate change adaptation.

The plan and the policy is insufficiently resourced, and Council has been unable to fulfil all of its actions in the plan.

Allocating necessary funding in the mid-year budget review to address the specific actions in the Climate Change Plan 2019-2024 will:

- Enable council to focus on the agreed actions in the plan, as well as delivering intended outcomes.
- Provide a further a focus on these actions to develop community climate change communications and projects relating to:
 - climate change risk management
 - climate change opportunities eg grants and partnerships
 - energy and greenhouse gas targets and actions
 - climate change adaptation planning and community resilience
 - coastal hazards management.

Specific examples of projects currently underway and/or identified as being progressed in the 2021/2022 financial year that would be significantly advanced by the proposed climate change resourcing increase include:

- Greenhouse and energy monitoring and auditing data collection and reporting methodology development and implementation
- Electric vehicle fast charge station implementation
- Barretta methane flaring carbon credits program resurrection
- Coastal asset and works prioritisation tool development and implementation
- Kingston Beach, Snug and Adventure Bay climate change adaptation planning and community engagement
- Nebraska Beach community based coastal adaptation project
- Climate change retreat feasibility research and financing options
- Coastal Hazards Strategy development
- Barretta Solar Park project facilitation and partnership options investigations
- Vegetation (terrestrial and ocean) carbon offset and potential credits initiatives
- Waste reduction and minimisation / greenhouse reduction program
- Climate related risk and financial exposure quantification and cost / benefit analysis
- Best practice climate risk and asset management processes and procedures development
- Climate change communications / engagement planning and implementation

Climate change is a global concern, as we start to experience the impacts that are closer to home, like the May 2018 floods, 2019 southern bushfires, or the summer water restrictions.

Climate change poses a significant threat to Kingborough's biodiversity and ecosystems and this will continue to be progressively exacerbated into the future. It is time to act now.

It is recognised by Council that a meaningful and strategic response to the impacts of climate change must be managed now and into the foreseeable future.

Dedicated resources will have responsibility to translate plan actions into meaningful projects, tasks and activities and to report progress against plan actions to Council and the community e.g. on quarterly basis. The outcomes will determine and guide future resourcing needs to ensure the plan is successfully implemented.

Currently Council is not fulfilling it's obligations under The Kingborough Climate Change Plan 2019 to 2024. It is important Council allocates necessary funding in this area to ensure actions are fulfilled and currently there are significant opportunities due to political momentum shift. It is important Council is ready to take these opportunities.

Officer's Response

This can be considered in the mid-year budget review.

Tim Jones, Manager Finance

15.2 Workshop to Consider Unspent Covid Relief Funds

The following Notice of Motion was submitted by **Cr Gideon Cordover**

RECOMMENDATION

That Council will hold a workshop to discuss the reallocation of some or all of the \$500,000 in unspent Covid-relief funds towards other initiatives such as climate action projects, waste reduction initiatives, funding for a street tree strategy or improved active transport connectivity development for a pram-friendly Kingborough.

Background

At the onset of the global Covid19 pandemic, Council set aside funds to pay COVID-related costs such as commercial rates relief as part of a Financial Hardship Policy passed by council on 22 June 2020. A maximum of \$500,000 was set aside to pay out potential claims.

The uptake of these financial supports turned out to be less than expected and so the budget allocation of \$500,000 has not been spent. As such, the allocation has been accounted as a positive variance in the rates budget for the 2020-21 financial year.

There are several projects that are ready 'on the shelf' but currently unfunded, such as funding work on climate change mitigation initiatives, or waste reduction projects, or infrastructure maintenance and upgrades such to infrastructure like public toilets, playgrounds or council roads.

There is precedent for Council reallocating unspent funds towards different projects, for example with the Tarooma Neighbourhood Garden's community worm farm.

The \$500,000 in covid-relief money will not be carried forward into the next financial year and so it would be necessary to discuss this matter precipitously if Councillors wanted to consider other choices for using these funds.

There are myriad options for the reallocation of some or all of the \$500,000 of unspent covid-relief funds rather than the option of paying down deficit. It would be useful for Councillors to have a discussion about this before the end of the financial year.

Officer's Response

The allowance for COVID Relief was an estimate of the impact of COVID on rates revenue, not a specific budget allocation. The various COVID impacts directly increased the Underlying Deficit.

To spend any of these savings would be contrary to the objectives of the Long Term Financial Plan and further erode Council's cash position.

Tim Jones, Manager Finance

16 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

17 PETITIONS RECEIVED IN LAST PERIOD

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

18 OFFICERS REPORTS TO COUNCIL

18.1 INTENTION TO MAKE BY-LAWS

File Number: 12.250

Author: Scott Basham, Compliance Coordinator

Authoriser: Daniel Smee, Director Governance, Recreation & Property Services

Strategic Plan Reference

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

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

1. PURPOSE

- 1.1 The purpose of this report is to recommend a motion of intention to make By-laws pursuant to s.156 of the *Local Government Act 1993* (the Act) and commence the advertising process, with the intent to return the proposed By-laws (including any alterations) to Council, for final approval.

2. BACKGROUND

- 2.1 Council has four By-laws (excluding the Bruny Island Cat By-law) established under the Act which are designed to ensure that Council can provide for the community in matters relating to the use of marine facilities, the use of recreational facilities, public and environmental health, and the use of Council roads and parking areas.
- 2.2 Council can make By-laws in respect of any act, matter or thing for which a Council has a function or power under the Act or any other Act. A By-law expires 10 years after the date on which it takes effect unless it is expressed to expire sooner. The below table identifies Council's current four By-laws and their expiry date.

No.	By-Law	Expiry date
1	Marine Facilities	29 March 2021
2	Parks, Recreation & Natural Areas	4 August 2021
3	Health and Environmental Services	4 August 2021
4	Roads, Parking and Stormwater	4 August 2021

- 2.3 Council has undertaken a process to develop proposed By-laws that would serve the municipality until 2031. It is recommended that Council commence the action to make new By-laws.

3. STATUTORY REQUIREMENTS

- 3.1 The power of Council to make By-laws is pursuant to Part 11 of the Act. Division 1 contains general provisions, Division 2 contains procedural provisions, Division 3 contains By-laws in respect of certain matters and Division 4 contains model By-laws. It is not intended to explore each division within this report.
- 3.2 The statutory emphasis of this report is Part 11, Division 2 – Procedural provisions of the Act.

4. DISCUSSION

- 4.1 S.156(1) of the Act states '*A council which intends to make a by-law is to pass a resolution (motion of intention to make a By-law) by an absolute majority to that effect*'. A By-law which is made without a resolution passed by absolute majority is invalid. Annexed hereto and marked as annexure 1 through to 4 are copies of the proposed By-laws.
- 4.2 S.156A of the act states '*A council is to prepare a regulatory impact statement in respect of any by-law it intends to make*'. This section also outlines what a regulatory impact statement is to include, and that Council is to submit regulatory impact statements to the Director of Local Government, on the passing of the motion. Annexed hereto and marked 5 through to 8 are copies of the regulatory impact statements associated with the proposed By-laws.
- 4.3 On receipt of the regulatory impact statements, if satisfied as to the statements, the Director is to issue to the Council a certificate certifying that the statements are satisfactory and stating that the Council may commence the public consultation process.
- 4.4 On completion of the consultation phase, any submissions properly made will be returned to Council for consideration, along with the proposed By-laws (including any alterations) for final approval.
- 4.5 There have been numerous updates to the existing By-laws to reflect changes in legislation and contemporary community expectations. This includes the removal of provisions relating to the regulation of native trees on private land from the Health and Environmental Services By-law following legal advice.

5. FINANCE

- 5.1 Funding for the making of these proposed By-laws was approved in the 2020/21 Council operational budget.

6. ENVIRONMENT

- 6.1 The proposed *Health and Environmental Services By-law, By-law No.2 of 2021*, specifically addresses matters associated to public health, environmental harm, and nuisance provisions. More broadly though, each proposed By-law identifies '*the potential for and extent of any environmental harm*' within the factors to be considered when granting permits.

7. COMMUNICATION AND CONSULTATION

- 7.1 In preparation of the proposed By-laws and regulatory impact statements, there has been internal and external consultation, including two Councillor workshops and an informal review by DPAC.
- 7.2 In accordance with s.157 of the Act the General Manager is to give notice of the proposed By-laws on receipt of the certificate issued by the Director. The notice must be:
 - a) published at least once in a daily newspaper circulating in the municipal area; and
 - b) made available for viewing at a website of the Council from the day when the notice is first published in the newspaper, until the end of the day specified in the notice (no earlier than 21 days after publication); and

- c) displayed in a conspicuous place in the public office of the Council from the day when the notice is first published in the newspaper until the end of the day specified in the notice.

7.3 The General Manager must also make the proposed By-laws and regulatory impact statements open for inspection by the public. This includes on Council's website and for purchase at the Civic Centre.

7.4 Any person may make a submission in respect of the proposed By-laws and Council must consider every submission properly made.

7.5 The regulatory impact statements also define the proposed public consultation process.

8. RISK

8.1 There is no risk associated with the motion of intention to make By-laws.

8.2 There is a risk that if the resolution is not passed by absolute majority, this may delay the implementation of the proposed By-laws.

8.3 Should Council not proceed with the implementation of the proposed By-laws, following the expiration of the existing By-laws, Council will have no statutory power to control a number of activities associated with Council owned and managed assets.

8.4 It is noted that the Marine Facilities By-law expired on 29 March 2021. This represents a low risk to Council as the provisions of this By-law are rarely used.

9. CONCLUSION

9.1 Council's current By-laws are due to expire or have expired.

9.2 Council has been through a process to develop proposed By-laws that would serve the municipality until 2031. It is recommended that Council commence the action to make new By-laws.

10. RECOMMENDATION

That Council:

- (a) in accordance with s.156(1) of the Act, propose to make the following By-laws as annexed to this report:
 - (i) Marine Facilities;
 - (ii) Health and Environmental Services;
 - (iii) Parks, Recreation and Natural Areas; and
 - (iv) Roads and Parking.
- (b) submit regulatory impact statements as annexed to this report to the Director of Local Government; and
- (c) on receipt of the certificate issued by the Director under s.156A(6) of the Act and the General Manager giving notice pursuant to s.157 of the Act, undertakes public consultation in respect of the proposed By-laws.

ATTACHMENTS

- 1. Marine By-law**
- 2. Health By-law**
- 3. Parks By-law**
- 4. Roads By-law**
- 5. Marine By-law Regulatory Impact Statement**
- 6. Health By-law Regulatory Impact Statement**
- 7. Parks By-law Regulatory Impact Statement**
- 8. Roads By-law Regulatory Impact Statement**

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KINGBOROUGH COUNCIL
MARINE FACILITIES BY-LAW
BY-LAW NO. 1 OF 2021

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KINGBOROUGH COUNCIL

MARINE FACILITIES BY-LAW

BY-LAW NO. 1 OF 2021

This By-Law of the Kingborough Council is made under section 145 of the *Local Government Act 1993* for the purpose of regulating conduct on marine facilities in the Kingborough municipal area.

PART 1 – PRELIMINARY**1 Short title**

- (1) This By-law may be cited as the *Marine Facilities By-Law 2021*.

2 Application

- (1) This By-law applies to the municipal area of the Council.
- (2) This By-law does not apply to a councillor or an employee of the Council or a contractor or agent of the Council where such person is carrying out activities on the marine facility in the course of their duties for and on behalf of the Council.
- (3) This By-law does not apply to any marine facility which is the subject of a lease from the Council to a person under Division 1 of Part 12 of the *Local Government Act 1993*.

3 Interpretation

- (1) In this By-law:

"Act" means the *Local Government Act 1993*;

"article" means any vehicle, item or thing, including a vessel, that can be removed pursuant to this By-law and includes a vessel removed under clause 5 of this By-law;

"authorised officer" means an employee of the Council authorised by the Council or the General Manager for the purposes of this By-law;

"commercial use permit" means a permit granted under Part 4 of this By-law;

"Council" means the Kingborough Council;

"environmental harm" means as defined by the *Environmental Management and Pollution Control Act 1994*;

"Fee unit" means the sum as prescribed under the provisions of the *Fee Unit Act 1997*;

"General Manager" means the General Manager appointed by the Council pursuant to section 61 of the Act;

"land" means all land within the municipal area and includes a marine facility;

"marine facility" includes any facility, structure or equipment owned by or under the management and control of the Council that is designed for, or used for or in relation to, the launching and mooring of vessels and any associated landing stage, slipway, boat launching ramp, jetty, wharf or breakwater and any curtilage to that facility, structure or equipment and includes any road;

Marine Facilities By-Law 2021

"municipal area" means the area of land under the control of the Council and defined in section 16 of the Act;

"owner" includes:

- (a) in the case of a vehicle:
 - (i) a joint owner or part owner; or
 - (ii) a person who has the use of the vehicle under a hiring or a hire purchase agreement; or
 - (iii) a person in whose name as owner the vehicle is registered under the *Vehicle and Traffic Act 1999* or any corresponding enactment of a State or Territory of the Commonwealth; or
 - (iv) a person who is in charge of the vehicle at the time at which there is alleged to have been a contravention of this By-law involving the vehicle; and
- (b) in the case of a vessel:
 - (v) a joint owner or part owner; or
 - (vi) a person who has the use of the vessel under a hiring or a hire purchase agreement; or
 - (vii) a person who is in charge of the vessel at the time at which there is alleged to have been a contravention of this By-law involving the vessel;

"penalty unit" means the amount of money set under the provisions of the *Penalty Units and Other Penalties Act 1987*;

"permit" means a permit granted under Part 3, including a commercial permit granted under Part 4, of this By-law;

"permit holder" means a person who has obtained a permit from the Council for any purpose under this By-law;

"person" means an individual, corporation or other legal entity (other than the Crown);

"road" means a constructed surface suitable for the use of vehicles and an area set aside by the Council as a parking place for vehicles that is directly associated with and forms part of the marine facility;

"user agreement" means an agreement entered into for the hire, lease or use of any marine facility under clause 36(5) of this By-law;

"vehicle" means a vehicle as defined in section 3(1) of the *Vehicle and Traffic Act 1999*;

"vessel" includes a boat, ship, craft, hovercraft, aircraft or platform, that is capable of use in or on water, whether floating or partly submersible, however propelled or moved, and any trailer used to transport it.

*Marine Facilities By-Law 2021***PART 2 – USE OF MARINE FACILITIES****Division 1 - Unimpeded Public Access****4 Obstruction of a marine facility**

- (1) A person must not moor or leave a vessel at a marine facility:
 - (a) in a manner that obstructs another vessel coming alongside, using or leaving the marine facility; or
 - (b) in a manner which constitutes a nuisance as defined in section 199 of the Act; or
 - (c) for a period in excess of any time limit specified on a Council-authorised sign; or
 - (d) other than for so long only as is required to set down or take up passengers or goods without waiting, unless conditions of a commercial use permit allow.

Penalty: Fine not exceeding 5 penalty units and in the case of a continuing offence, a further daily penalty of 1 penalty unit.
- (2) A vessel that is the subject of a commercial use permit will be given priority in mooring at any marine facility over vessels that are not the subject of a commercial use permit.
- (3) Mooring arrangements for vessels referred to in sub-clause (2) that are the subject of a commercial use permit may be displayed on a sign or notice located at or alongside the marine facility.

5 Removal of vessel

- (1) An authorised officer may, after giving notice as provided in clause 6, move or cause to be moved a vessel that is moored to or using a marine facility if the authorised officer is of the opinion that the vessel is moored to or using the marine facility in contravention of clause 4.
- (2) Notwithstanding clause 5(1), where a vessel constitutes a nuisance as defined in section 199 of the Act, notice need not be given before removing the vessel if the General Manager is of the opinion that urgent action is required.
- (3) A vessel moved under this clause may be otherwise stored or moved to a place of safe anchorage.
- (4) The Council may recover from the owner of the vessel the costs of any action taken under this clause and any costs incurred by the Council in moving and maintaining the vessel in the place of storage or safe anchorage as a debt due to it.

6 Notice before removal

- (1) At least three (3) days prior to moving a vessel under clause 5(1), an authorised officer must give notice to the vessel's owner stating:
 - (a) that the vessel will be moved;
 - (b) the reason for it being moved;
 - (c) the place to which it will be moved; and
 - (d) that the costs associated with the vessel being moved are payable by the owner.

Marine Facilities By-Law 2021

- (2) Where a vessel is moved under clause 5(2) the authorised officer must, as soon as practicable after moving the vessel, notify the owner of the place to which the vessel has been moved.

7 Obstruction of access onto or on a marine facility

- (1) A person must not obstruct the passage of persons, vehicles, or goods on or off a marine facility.

Penalty: Fine not exceeding 5 penalty units.

8 Vehicles on a marine facility

- (1) Unless authorised by a permit to do so, a person must not park or leave any vehicle on a marine facility, or in any way obstruct a marine facility, other than to launch a vessel, to load or off-load materials or passengers, or for other similar purposes of short duration.

Penalty: Fine not exceeding 5 penalty units.

9 Cargo and other material on a marine facility

- (1) Unless authorised by a permit to do so, a person must not place or store cargo or other material on, or in such a way as to obstruct the use of, a marine facility unless and until a vessel is alongside to receive this cargo or other material.

Penalty: Fine not exceeding 5 penalty units.

- (2) A person must not unload cargo or other material onto, or in such a way as to obstruct, a marine facility from a vessel until a vehicle is there to receive it.

Penalty: Fine not exceeding 5 penalty units.

10 Repairing and maintaining vessels

- (1) Unless authorised by a permit to do so, a person must not carry out repairs or maintenance to a vessel while that vessel is on or adjacent to any marine facility.

Penalty: Fine not exceeding 5 penalty units.

- (2) Sub-clause (1) does not apply to repairs of an emergency nature that are necessary to allow the vessel to immediately depart from a marine facility.

11 Peaceable use of the marine facility

- (1) A person must not do any act or thing which unreasonably interferes, or is likely to interfere with, the peaceable use by the public of a marine facility.

Penalty: Fine not exceeding 5 penalty units.

12 Fishing and swimming

- (1) A person must not swim or fish from or near any marine facility in such a manner as to obstruct or impede vessels or vehicular or pedestrian traffic on or adjacent to a marine facility.

Penalty: Fine not exceeding 5 penalty units.

*Marine Facilities By-Law 2021***Division 2 - Damage to a Marine Facility****13 Damage to marine facility**

- (1) A person must not do any act or thing which causes, or is likely to cause, any damage or disfigurement to a marine facility.
Penalty: Fine not exceeding 10 penalty units.
- (2) An authorised officer may give a notice or direction to a person who has contravened sub-clause (1) requiring that person to undertake such works to repair any damage or disfigurement to a marine facility as the authorised officer considers necessary.

14 Prohibition of certain vessels

- (1) A person must not use a vessel or vehicle at a marine facility that by reason of the size, design or type of trade or service in which it is engaged or otherwise, constitutes a nuisance as defined in section 199 of the Act.
Penalty: Fine not exceeding 10 penalty units.

15 Unauthorised alteration of marine facility

- (1) Unless authorised by a permit to do so, a person must not add to or alter any structure, building or part of a marine facility.
Penalty: Fine not exceeding 10 penalty units.
- (2) Unless authorised by a permit to do so, a person must not install a crane, fuel dispensing equipment, water lines, gas lines, electric power outlets or any other service facility on a marine facility.
Penalty: Fine not exceeding 5 penalty units.
- (3) An authorised officer may give a notice or direction to a person who has contravened sub-clause (1) or (2) requiring that person to undertake such works as the authorised officer considers necessary to remove or repair anything added, altered, or installed in contravention of this clause.

16 Signs and advertising material

- (1) Unless authorised by a permit to do so, a person must not erect, exhibit, or display a notice, sign, bill, poster or advertisement on any marine facility.
Penalty: Fine not exceeding 5 penalty units.

Division 3 - General and Miscellaneous Provisions**17 Closure of marine facility**

- (1) A marine facility or any part thereof may be closed if the General Manager considers it to be necessary for public safety or convenience or for the protection of the marine facility.

18 Entry onto marine facility when closed

- (1) Unless authorised by a permit to do so, a person must not enter onto or use a marine facility or any part of any marine facility that is closed.
Penalty: Fine not exceeding 5 penalty units.

*Marine Facilities By-Law 2021***19 Sale of goods, chattels or property**

- (1) Unless authorised by a permit to do so, a person must not set up a stall, or sell or offer for sale any goods, chattels, property or anything on any marine facility.

Penalty: Fine not exceeding 5 penalty units.

20 Leasing

- (1) Unless authorised by a permit to do so, a person must not let or hire any goods, vessels or any other property or thing on a marine facility.

Penalty: Fine not exceeding 5 penalty units.

21 Commercial use

- (1) Unless authorised by a commercial use permit to do so, a person must not use a marine facility for a commercial use or as a base from which to conduct a commercial business.

Penalty: Fine not exceeding 10 penalty units.

22 Refuelling at a marine facility

- (1) Unless authorised by a permit to do so, a person must not refuel a vessel at a marine facility.
Penalty: Fine not exceeding 10 penalty units.
- (2) An application for a permit to refuel a vessel at a marine facility must be accompanied by a safety management plan that addresses all areas of potential risk associated with the activity, and any risk to other public users of the marine facility and the potential to cause environmental harm.
- (3) In assessing a permit to refuel a vessel at a marine facility the General Manager may consider whether the proposed use of the marine facility may cause environmental harm.

*Marine Facilities By-Law 2021***PART 3 – PERMITS GENERALLY****23 Granting permits**

- (1) A permit may be granted for any purpose under this By-law by:
 - (a) the General Manager in writing; or
 - (b) any electronic method authorised by the General Manager, including via the Council's website or any application operated by or on behalf of the Council.

24 Applications for a permit

- (1) Any application for a permit pursuant to this By-law must:
 - (a) be made in writing and in accordance with any form approved by the General Manager;
 - (b) be accompanied by the relevant prescribed fee per application, if any, specified in Schedule 2 to this By-law; and
 - (c) where applicable, must be accompanied by the following:
 - (i) a statement in writing of the type and nature of the activity proposed to be undertaken by the applicant and the period of time within which it is proposed to be carried out;
 - (ii) a scaled drawing showing the location and extent of the proposed occupation or activity;
 - (iii) a safety management plan or a description of any necessary safety measures that are appropriate for the proposed activity;
 - (iv) evidence of current public liability insurance or other relevant insurance; and
 - (v) such other information as the General Manager may reasonably require.

25 Factors to be considered when granting a permit

- (1) In deciding whether or not to grant a permit pursuant to this Part the General Manager may have regard to the following:
 - (a) the potential for damage to Council infrastructure;
 - (b) public amenity and safety;
 - (c) public access in the area;
 - (d) the maintenance of public order in the area;
 - (e) the potential for and extent of any environmental harm;
 - (f) the movement of traffic in the area;
 - (g) the manner of any proposed sign or advertising;
 - (h) the nature, size, shape, extent and location of any proposed building or structure;
 - (i) the availability of suitable parking for motor vehicles in the area;
 - (j) representations made by a police officer;
 - (k) any other relevant matters.

*Marine Facilities By-Law 2021***26 Conditions of a permit**

- (1) A permit granted under this By-law must be in writing and may be granted on such terms and conditions as the General Manager considers appropriate. Those conditions may include:
 - (a) a restriction on the type of activity;
 - (b) a restriction on the period in which the activity may be carried out;
 - (c) the precautions to be observed while the activity is being carried out;
 - (d) the requirement for supervision or control of the activity;
 - (e) the record to be kept or notification to be given in relation to the any activity carried out pursuant to the permit;
 - (f) the permit is not transferable or assignable, and may not be relied upon, by another person without the written approval of the General Manager;
 - (g) the requirement to obtain and hold public liability insurance or other relevant insurance; and
 - (h) the payment of a bond to cover any damage to Council property or any cleaning required, or the provision of an indemnity to Council for any other loss or damage; or
 - (i) the acceptance of responsibility for any damage to or loss of Council property as a result of the activity.
- (2) The holder of a permit granted pursuant to this By-law must comply with the terms and conditions of the permit.
Penalty: A fine not exceeding 5 penalty units.

27 Bond and deposit

- (1) The General Manager may, as a condition of a permit, require a person to pay a bond or provide a bank guarantee on such terms as the General Manager may determine to provide security against any reasonable costs which the Council may incur as a result of a failure of a person to comply with the obligations or requirements of a permit.
- (2) The General Manager may determine that if a permit holder defaults on carrying out any obligations or requirements of a permit, all or part of the bond or bank guarantee provided in accordance with sub-clause (1) may be retained by the Council to meet the costs incurred by the Council to carry out those obligations or requirements.
- (3) Monies deposited with the Council in accordance with this clause or the balance of the monies is to be forwarded to the person following final inspection and approval by the General Manager of the obligations or requirements of the permit.
- (4) The Council may recover in a court of competent jurisdiction from the permit holder any expenses incurred by it in the carrying out of the obligations or requirements of a permit, less the amount of the bond paid by the permit holder for that purpose, if any, as a debt due to it.

28 Permits generally

- (1) Every permit issued pursuant to this By-law :
 - (a) must be in writing and may be in the form of a letter;
 - (b) must bear the date on which it was issued;

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- (c) remains in force for the period for which it was issued, unless it is cancelled or surrendered;
- (d) must be carried by the permit holder at all times while undertaking the activity approved under the permit; and
- (e) must be surrendered to the Council if it is cancelled or suspended or when it is due for renewal.

29 Production of a permit

- (1) A permit holder is to produce the permit immediately when requested to do so by a police officer or an authorised officer, and the holder of the permit must answer all questions which are reasonably necessary to establish that the person holds a permit in good faith.

Penalty: Fine not exceeding 5 penalty units.

30 Variation of permit conditions

- (1) The conditions of any permit may be varied if the General Manager considers it is appropriate to do so.
- (2) If the conditions of any permit varied pursuant to sub-clause (1), the General Manager must serve a notice in writing on the permit holder stating:
 - (a) the conditions of the permit that are varied; and
 - (b) the reason or reasons for the variation of the permit conditions.
- (3) The conditions of a permit will be varied from the date of service of the notice of the variation.

31 Cancellation and suspension of permits

- (1) The General Manager may cancel or suspend a permit if satisfied that a permit holder:
 - (a) has breached a By-law of the Council;
 - (b) failed to comply with a condition of a permit;
 - (c) is convicted of any offence involving dishonesty; or
 - (d) is convicted of any offence involving a breach of public order.
- (2) If a permit is cancelled or suspended pursuant to sub-clause (1), the General Manager must serve a notice in writing on the permit holder stating:
 - (a) the permit is cancelled, or the permit is suspended including the length of the suspension; and
 - (b) the reason or reasons for the cancellation or suspension.
- (3) Cancellation or suspension of any permit is effective from the date of service of the notice on the permit holder or the date specified in the notice, whichever is the latter.
- (4) The General Manager may cancel or suspend a permit if this is required due to the exercise or intended exercise of any local government function, power, right or duty by the Council.
- (5) Notwithstanding, sub-clauses (2) and (3), the General Manager may cancel or suspend a permit by any communication conveyed to the permit holder by any means including notice by radio or television in emergency situations or in a situation considered appropriate by the General Manager.

*Marine Facilities By-Law 2021***32 Notice**

- (1) For the purposes of clauses 30(2) and 31(2) of this By-law, a notice may be served in any of the following ways:
 - (a) on the holder of the permit personally;
 - (b) by ordinary post to the last known address of the permit holder; or
 - (c) by notice being given in the public notice section of a newspaper circulating in the Kingborough municipal area.
- (2) The date of service of a notice will be:
 - (a) if the holder of the permit was served by ordinary post, 5 business days from the date the notice was posted; or
 - (b) if the notice was given in a newspaper, the date of the publication of that newspaper.

33 Assignment of permit

- (1) A permit must not be assigned and is not transferable to any person except with the written consent of the General Manager.

34 Competing applications

- (1) If there are competing applications for a permit pursuant to this By-law, the General Manager may determine which application for a permit is to be granted, if any.
- (2) The General Manager may determine that a prior or later application for a permit is to be granted in preference to any other application.

*Marine Facilities By-Law 2021***PART 4 – COMMERCIAL USE PERMITS****35 Applications**

- (1) A person may apply to the General Manager for a commercial use permit.
- (2) In addition to the matters set out in clause 24, an application for a commercial use permit may be accompanied by the following:
 - (a) the name and registration number of the vessel to which a commercial use permit is to apply;
 - (b) a safety management plan that addresses all areas of potential risk, particularly refuelling practices, the potential to cause environmental harm and any risk to other public users of the marine facility;
 - (c) payment of the fee or charge imposed for an application under this By-law as set out in Schedule 2; and
 - (d) such other information as the General Manager requires.

36 Grant and conditions of permit

- (1) The General Manager may grant or refuse to grant a commercial use permit for which an application has been made under clause 35.
- (2) In addition to those matters set out in clause 25, in assessing any application for a commercial use permit, the General Manager may consider:
 - (a) whether the capacity of the existing marine facility and any associated land-based infrastructure is sufficient to cater for the proposed use;
 - (b) whether public access to and public use of the marine facility would be provided in a safe manner and to a reasonable and acceptable level;
 - (c) whether a preference should be given to existing users, with particular consideration of their record of satisfactory performance;
 - (d) whether the proposed use of the marine facility would cause environmental harm.
- (3) In addition to those conditions set out at sub-clause (2), the General Manager may grant a commercial use permit subject to such other conditions as considered appropriate.
- (4) A permit holder of a commercial use permit must comply with the terms and conditions of that commercial use permit.
Penalty: A fine not exceeding 10 penalty units.
- (5) The General Manager may require a person to sign a user agreement as a condition of granting a permit under this clause and, upon signing, the provisions and requirements of such user agreement shall be incorporated with and form part of the terms and conditions of the permit.
- (6) The General Manager may impose such terms and conditions in a user agreement as considered appropriate.

*Marine Facilities By-Law 2021***PART 5 – ENFORCEMENT****37 Offences**

- (1) A person who contravenes or fails to comply with a provision of this By-law is guilty of an offence and is liable on conviction to a penalty as specified in this By-law in respect of that offence.

38 Prohibition from entering a marine facility

- (1) The General Manager may by notice prohibit a person who they reasonably believe is offending or has offended against this By-law from entering on or using a specified marine facility for such period of time as the General Manager determines.
- (2) A person who has been issued with a notice pursuant to sub-clause (1) must not enter upon or use that marine facility during the period of time specified in the notice.
Penalty: Fine not exceeding 10 penalty units.
- (3) The General Manager may at any time withdraw a notice issued under sub-clause (1).

39 Supply of name and address

- (1) An authorised officer may require a person to give their name and address if the authorised officer reasonably believes that the person is offending or has offended against this By-law.
- (2) A person who fails or refuses to comply with a request to give their name and/or address is guilty of an offence.
Penalty: Fine not exceeding 5 penalty units.

40 Abuse or obstruction of an authorised officer

- (1) A person must not obstruct, hinder, resist or use abusive language to an authorised officer while the authorised officer is acting in the course of their duties pursuant to this By-law.
Penalty: Fine not exceeding 10 penalty units.

41 Enforcement and removal of articles

- (1) An authorised officer may:
- (a) refuse to admit a person to a marine facility whom the authorised officer reasonably believes is offending or has committed an offence against this By-law;
 - (b) direct any person to leave a marine facility whom the authorised officer reasonably believes is offending or has committed an offence against this By-law;
 - (c) remove any thing which is on a marine facility without a permit or with the approval of the Council;
 - (d) remove any person from a marine facility whom the authorised officer reasonably believes is offending or has committed an offence against this By-law.
- (2) A person who fails to comply with a direction under sub-clause (1)(b) is guilty of an offence.
Penalty: Fine not exceeding 5 penalty units.

*Marine Facilities By-Law 2021***42 Removed articles**

- (1) An article which has been removed from a marine facility pursuant to this By-law must be kept in a safe place until it has been claimed by the owner or a person on behalf of the owner or disposed of pursuant to this By-law.
- (2) If an article which has been removed from a marine facility pursuant to this By-Law is not claimed by the owner or a person on behalf of the owner within 48 hours following its removal, an authorised officer is to give notice to the owner of the removal of the article.
- (3) A notice under sub-clause (2) is to give the following details:
 - (a) a description of the article and any distinguishing features of it;
 - (b) the place from which it was removed;
 - (c) the date on which it was removed;
 - (d) the place from which the article may be claimed;
 - (e) the fees, costs or charges payable in respect of the removal, maintenance and storage of the article;
 - (f) that if not claimed within 14 days that the article may be disposed of by the General Manager.
- (4) If the owner of the removed article cannot be ascertained or found, and if the General Manager is of the opinion that the value of the article warrants the cost of advertising, the General Manager is to publish on at least one occasion a notice containing the particulars specified in sub-clause (3) in a newspaper circulating in the municipal area.
- (5) If the owner of the article cannot be ascertained or found, no advertising is published in accordance with sub-clause (4), and the article is not claimed by the owner or by a person on behalf of the owner within 28 days after it has been removed, the article may be disposed of in accordance with clause 44(2).

43 Fees, costs and charges

- (1) The owner of an article removed pursuant to this By-Law is liable to pay:
 - (a) any fees, costs and charges specified in a notice issued pursuant to clause 42(2);
 - (b) any further fees, costs and charges incurred in the storage and further maintenance of the article once removed; and
 - (c) any fees, costs or charges incurred in the disposal of the article pursuant to clause 44.
- (2) Any unpaid fees, costs or charges are a debt due to the Council and may be recovered by the Council in a court of competent jurisdiction.
- (3) The Council may retain an article until any fees, costs or charges are paid.

44 Disposal of unclaimed articles

- (1) The Council may dispose of an article if:
 - (a) the article is not claimed within 14 days of the service of a notice given under clause 42(2); or
 - (b) any fees, costs or charges specified in a notice under clause 42(2) that have not been paid within 14 days of the service of that notice.

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- (2) An article may be disposed of under clause 42(5) or 44(1):
 - (a) by tender or public auction following notification in a local newspaper circulating in the municipal area; or
 - (b) in such manner as the General Manager determines if:
 - (i) the General Manager has a reasonable belief that the article has a value that does not warrant the costs of a tender or a public auction; or
 - (ii) no tender is received, or no bid is made at a public auction.
- (3) If an article is disposed of under this clause, the General Manager must notify the owner of the article as soon as possible if the owner can be ascertained or found by reasonable enquiries.
- (4) If the owner of the article is identified, then the proceeds obtained from the disposal or sale of the article must be paid to the owner, less any fees, costs or charges incurred by the Council in the removal, storage or disposal of the article.

45 Article required for prosecution

- (1) Where an article is required by the Council for the prosecution of an offence under this By-law, the article is to be released to the owner following the completion of the prosecution proceedings and on payment of any relevant fees, costs and charges unless otherwise directed by a court.
- (2) The Council may, in accordance with clause 44, dispose of an article required under sub-clause (1) which is not claimed by the owner or in relation to which fees, costs and charges have not been paid, within 30 days of the completion of court proceedings.

46 Assistance of police officers

- (1) A police officer is authorised to:
 - (a) assist an authorised officer to carry out an action under this By-law;
 - (b) remove any person from a marine facility whom the police officer reasonably believes has committed or who is committing an offence under this By-law;
 - (c) remove any article which is on a marine facility without a permit or the approval of the Council; and
 - (d) arrest any person who is on a marine facility whom the police officer reasonably believes has committed or who is committing an offence under this By-law.

*Marine Facilities By-Law 2021***PART 6 – NOTICES AND DIRECTIONS****47 Notices and directions generally**

- (1) A notice given under this By-law is to be given in writing, which may be in the form of a letter, and is to be given in accordance with section 29AB(1)(a) of the *Acts Interpretation Act 1931*.
- (2) A direction given under this By-law may be given verbally or in writing and may be in the form of a letter.
- (3) Unless otherwise required by the By-law, a notice or direction given under this By-law may be subject to such conditions and requirements and allow such period for action as the General Manager or authorised officer may determine.
- (4) Unless otherwise specified in a notice or direction, a person to whom a notice or direction is given is to comply with the notice or direction at the cost of that person.
- (5) A notice or direction given under this By-law requiring a person to carry out or undertake action or work may direct that the action or work be:
 - (a) in or of such specified materials;
 - (b) carried out within a specific period of time;
 - (c) carried out in such a manner as the General Manager or authorised officer directs; or
 - (d) be done only by a person with the appropriate qualification.
- (6) The Council may require the person carrying out the work to pay the Council, or enter into a bond for payment to the Council of an amount it thinks fit to provide security against costs which it may incur as a result of the execution of the work.

48 Non-compliance with notice or direction

- (1) A person to whom a notice or direction has been given under this By-law must comply with that notice or direction and any conditions of that notice or direction and within the time period specified in the notice or direction.
Penalty: Fine not exceeding 10 penalty units.
- (2) The Council may undertake the work required to be carried out in a notice or direction given pursuant to this By-law if the person to whom a notice or direction is given fails to comply with the notice or the direction within the time specified in the notice or direction.
- (3) The Council may recover in a court of competent jurisdiction, its expenses in undertaking work under the notice issued or direction given pursuant to this By-law as a debt payable to it from the person who fails to comply with the notice or direction in addition to any penalty imposed under sub-clause (1) and this By-law.

*Marine Facilities By-Law 2021***PART 7 – MISCELLANEOUS****49 Referral to Council**

- (1) No provision of this By-law is to be construed as preventing the General Manager from referring any application for a permit to the Council.

50 Expenses incurred

- (1) The Council may rectify a breach of this By-law, including any damage to Council property, without ordering the offending person to undertake the rectification works.
- (2) In addition to a penalty imposed in relation to a failure to comply with or a contravention of this By-law, an expense or damages incurred by the Council as a result of the breach of this By-law, is recoverable by the Council as a debt payable by the person committing that breach.

51 Debt due

- (1) All monies payable to the Council under this By-law are a debt due to the Council and recoverable at law.

*Marine Facilities By-Law 2021***PART 8 – INFRINGEMENT NOTICES****52 Infringement notices**

- (1) In this clause:

"specified offence" means an offence against a clause specified in Column 1 of Schedule 1.
- (2) An authorised officer may issue an infringement notice to a person in respect of a specified offence and the monetary penalty payable under the infringement notice for that offence is the applicable sum set out adjacent to the offence in Column 3 of Schedule 1 to this By-Law.
- (3) An authorised officer may:
 - (a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and
 - (b) issue one infringement notice in respect of more than one specified offence.
- (4) The *Monetary Penalties Enforcement Act* 2005 applies to an infringement notice issued under this By-law.
- (5) In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.
- (6) A person who is served with an infringement notice must, within 28 days of the date of service, do one or more of the following:
 - (a) pay the monetary penalty in full to the General Manager;
 - (b) apply to the General Manager for withdrawal of the infringement notice;
 - (c) apply to the General Manager for a variation of payment conditions; or
 - (d) lodge with the General Manager a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.
- (7) If a person who has been served with an infringement notice fails to take one or more of the actions required by sub-clause (6) within the prescribed time, the infringement may be referred to the Director, Monetary Penalties Enforcement Service.

*Marine Facilities By-Law 2021***SCHEDULE 1 – INFRINGEMENT NOTICE OFFENCES**

Column 1	Column 2	Column 3
Clause	General Description of Offence	Penalty Units
4(1)	Obstruction of a marine facility	1
7(1)	Obstruction of access onto a marine facility	1
8(1)	Vehicles on a marine facility	1
9(1)	Cargo and other material on a marine facility	1
9(2)	Obstruction by cargo and other material	1
10(1)	Repairing and maintaining vessels	1
11(1)	Peaceable use of a marine facility	1
12(1)	Swim/Fish in a manner that obstructs others	1
13(1)	Damage of a marine facility	2
14(1)	Prohibition of certain vessels that are likely to cause damage	2
15(1)	Unauthorised alteration of marine facility	2
15(2)	Installation of unauthorised equipment to a marine facility	1
16(1)	Erection of signs and advertising material	1
18(1)	Entry onto marine facility when closed	1
19(1)	Sale of goods on a marine facility	1
20(1)	Hiring of goods or vessels from a marine facility	1
21(1)	Regular commercial use of a marine facility	2
22(1)	Refuelling at a marine facility	2
26(2)	Compliance with terms and conditions of permit	1
29(1)	Permit holder to produce copy of permit	1
36(4)	Compliance with terms and conditions of commercial use permit	2
38(2)	Prohibited person must not enter upon marine facility	2
39(2)	Person must supply name and address to authorised officer	1
40(1)	Abuse or obstruct an authorised officer	2
41(2)	Removal of articles	1
48(1)	Non-compliance with notice or direction	2

*Marine Facilities By-Law 2021***SCHEDULE 2 – PRESCRIBED FEES**

Column 1 Clause	Column 2 Fee Name	Column 3 Fee (Units)
8(1)	Vehicles on a Marine Facility	25
9(1)	Placement or storage of cargo or material	25
10(1)	Repairing or maintaining vessel	25
15(1)	Alteration of marine facility	25
15(2)	Installation of equipment	25
16(1)	Erection of sign	25
18(1)	Entry to closed marine facility	25
19(1)	Sale of goods, chattels or property	610
20(1)	Leasing	610
21(1)	Commercial use permit	610
22(1)	Refuelling at marine facility	50

Marine Facilities By-Law 2021

Certified as being in accordance with the law by:

.....
Solicitor
Dated

Certified as being made in accordance with the *Local Government Act 1993*:

.....
General Manager
Dated

The Common Seal of Kingborough Council was hereunto affixed in the presence of:

.....
Mayor / Councillor
Dated

.....
General Manager
Dated

KINGBOROUGH COUNCIL

**HEALTH AND ENVIRONMENTAL
SERVICES BY-LAW**

BY-LAW NO. 2 OF 2021

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KINGBOROUGH COUNCIL

HEALTH AND ENVIRONMENTAL SERVICES BY-LAW

BY-LAW NO. 2 OF 2021

This By-Law of the Kingborough Council is made under section 145 of the *Local Government Act 1993* for the purpose of regulating matters of health and environmental services in the Kingborough municipal area.

PART 1 – PRELIMINARY**1 Short title**

- (1) This By-law may be cited as the *Health and Environmental Services By-law 2021*.

2 Application

- (1) This By-law applies to the municipal area of the Kingborough Council.
- (2) This By-law does not apply to a councillor or an employee of the Council or a contractor or agent of the Council where such person is carrying out activities in or on any Council land or waste facility in the course of their duties for and on behalf of the Council.

3 Interpretation

- (1) In this By-law:
- “Act”** means the *Local Government Act 1993*;
- “animal”** means an animal as defined in the *Animal Welfare Act 1993*;
- “approved container”** in relation to the disposal of sharps, means any approved container which is in compliance with AS 4031-1992 and is impervious, rigid, durable, tamper resistant, clearly labeled and which is able to be securely fastened;
- “article”** means any, vehicle item or thing that can be removed pursuant to this By-law;
- “authorised officer”** means an employee of the Council authorised by the Council or General Manager for the purposes of this By-law;
- “beehive”** means a modular framed housing for a honey bee colony, which normally contains either a nucleus colony or a standard size colony;
- “builder”** means:
- (a) a person engaged by the owner of a building to manage or carry out building work on the building; or
- (b) if such a person does not exist or is unable to be found, the owner of that building;

Health and Environmental Services By-Law 2021

"building work" means work relating to:

- (a) erecting, re-erecting, constructing, altering, repairing, underpinning, demolishing or removing a building; and
- (b) adding to a building; and
- (c) excavating or filling incidental to an activity referred to in paragraph (a) or (b); and
- (d) any other prescribed work;

"building site" means a place where building work is carried out;

"caravan" means any object or structure having the general characteristics of a caravan, a house or dwelling on wheels, a covered van or trailer, and any vehicle used or adapted for human habitation or occupation, whether the wheels or axles are removed or not and whether it is resting directly on the ground or is placed on blocks or other supports, and any structure, awning, veranda, lean-to, carport or other enclosed or partly enclosed area used or capable of being used in connection with or appurtenant to any caravan but does not include a building or temporary structure for which a permit is required under the *Building Act 2016*;

"Council" means the Kingborough Council;

"domestic waste" means component of the waste stream arising from households;

"effective control" means where an animal:

- (a) is in close proximity to the person;
- (b) is in sight of the person; and
- (c) the person is able to demonstrate to the satisfaction of an authorised person that the animal immediately responds to the persons commands or actions.

"environmental harm" means as defined by the *Environmental Management and Pollution Control Act 1994*;

"Fee unit" means the sum as prescribed under the provisions of the *Fee Unit Act 1997*;

"General Manager" means the General Manager appointed by the Council pursuant to section 61 of the Act;

"incinerator" includes any fireplace, structure or container outside a building, which:

- (a) is used for the purpose of disposal of waste by combustion; or
- (b) is not permitted under a condition of an environment protection notice under the *Environmental Management and Pollution Control Act 1994* or under the conditions of a permit granted under the *Land Use Planning and Approvals Act 1993*;

but does not include an outdoor solid-fuel-burning cooking appliance or outdoor solid-fuel-burning heater as defined by the *Environmental Management and Pollution Control (Smoke) Regulations 2019*;

"kerbside collection service" means the service provided by the Council for the collection of one or more of the following:

- (a) domestic waste;
- (b) recyclable;

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- (c) green waste; and
- (d) any other waste as notified by the Council, upon such terms and conditions as determined by the Council.

"kept" and **"keep"** includes the provision of food or shelter on a temporary or permanent basis;

"livestock" means any animal (including any variants/miniatures of any animal) which can be farmed, whether kept for farming or domestic purposes, and includes:

- (a) domestic stock as defined by the *Nature Conservation Act 2002*;
- (b) a stock animal as defined in the *Biosecurity Act 2019*,

but does not include poultry as defined by this By-law.

"municipal area" means the area of land under the control of the Council and defined in section 16 of the Act;

"nuisance" means as defined by section 199 of the Act;

"occupier" includes any person having the care, control or management of any land or premises;

"occupy" includes reside or live in or use any caravan for entertainment, sleeping, resting, cooking, eating, commercial or retail activities or for any similar use whether temporary or permanent;

"open air fire" means a fire burning in the outside environment and not housed or contained, but does not include an outdoor solid-fuel-burning cooking appliance or outdoor solid-fuel-burning heater as defined by the *Environmental Management and Pollution Control (Smoke) Regulations 2019*;

"owner" means any person who, whether jointly or severally, is seized or possessed of, or entitled to, any estate or interest in land;

"permit" means a permit granted under Part 8 of this By-law;

"person" means an individual, corporation or other legal entity (other than the Crown);

"penalty unit" means the amount of money set under the provisions of the *Penalty Units and Other Penalties Act 1987*;

"poultry" includes ducks, fowl, geese, guinea fowl, peacocks, turkeys, pheasants, pigeons or game bird or any other birds kept in an aviary or structure, especially as a source of food;

"recyclables" means any material able to be recovered, processed and used as a raw material for the manufacture of a useful new product through a commercial process;

"residential zone" means the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, and Village Zone defined in a planning scheme applicable to the municipal area;

"sharps" includes objects or devices having acute rigid corners, edges, points or protuberances capable of cutting or penetrating the skin and includes hypodermic needles, intravenous sets, Pasteur pipettes, lancets, scalpel blades, and other similar objects or devices used in medical, dental, veterinary and nursing applications;

"toilet" includes an enclosed facility which has a seat and a removable pan, a water closet or a portable toilet;

"urinal" means a facility used solely for the receipt of human urine;

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“waste” means as defined by section 3(1) of the *Environmental Management and Pollution Control Act 1994*;

“waste facility” means any area set aside by the Council as a waste facility, disposal area, waste transfer station, resource recovery facility, recycling centre, or landfill.

“wheelie bin” means a mobile bin as approved and supplied by the Council for the collection of one of the following:

- (a) domestic waste;
- (b) recyclables;
- (c) green waste; and
- (d) any other waste as notified by the Council,

*Health and Environmental Services By-Law 2021***PART 2 – DISPOSAL OF WASTE****4 Times for use of waste facility**

- (1) A person must not deposit, place or drop or allow any person to deposit, place or drop any waste in or on any waste facility except on the days and within the periods of time fixed by the Council.

Penalty: Fine not exceeding 5 penalty units.

5 Directions for deposit of refuse

- (1) In this Part:

“**authorised officer**” includes an employee of the person contracted by the Council for the purposes of administering or managing a waste facility.

- (2) An authorised officer may give directions to any person within a waste facility.

- (3) Any person depositing waste at a waste facility must:

- (a) obey any direction given by an authorised officer in a waste facility;
- (b) obey any direction on any sign in a waste facility.

Penalty: Fine not exceeding 10 penalty units.

6 Prohibitions in a waste facility

- (1) A person must not in a waste facility:

- (a) light any fire or feed or extend any fire which is already burning;
- (b) remove any article or thing deposited at the waste facility without the consent of an authorised officer;
- (c) deposit any material capable of becoming airborne without first securing it from being scattered by the wind;
- (d) deposit waste in the green waste area, white goods area or at any other location in the waste management centre not designated for waste disposal; or
- (e) deposit any thing that is controlled waste as defined by the *Environmental Management and Pollution Control Act 1994*.

Penalty: Fine not exceeding 5 penalty units.

7 Refusal to accept refuse at a disposal site

- (1) An authorised officer may refuse to accept any waste at a waste facility which in the opinion of the authorised officer may not be accepted under the conditions of an environment protection notice issued under the *Environmental Management and Pollution Control Act 1994* or under the conditions of a permit granted under the *Land Use Planning and Approvals Act 1993*.

8 Prohibition from entering a waste facility

- (1) The General Manager may by notice prohibit a person who they reasonably believe is offending or has offended against this By-law from entering on or using a waste facility for such period of time as the General Manager determines.

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- (2) A person who has been issued with a notice pursuant to sub-clause (1) must not enter upon or use that waste facility during the period of time specified in the notice.

Penalty: Fine not exceeding 10 penalty units.

- (3) The General Manager may at any time withdraw a notice issued under sub-clause (1).

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*Health and Environmental Services By-Law 2021***PART 3 – HOUSEHOLD REFUSE & RECYCLING****9 Kerbside waste collection**

- (1) In this Part:
- “**notice**” means a notice approved by the Council or the General Manager that is displayed or set up in a public place within the municipal area, or in a daily newspaper circulated in the municipal area, or forwarded by the Council, General Manager or an authorised officer to a person to whom this By-law applies.
- (2) The Council will provide a kerbside collection service for domestic waste only within an area designated by the Council.
- (3) The General Manager may determine by notice classes of materials as being recyclable for the purpose of the kerbside collection service.
- (4) The General Manager may determine by notice the management and control of the storage, collection, transport and disposal of waste collected by the kerbside collection service within the municipal area.
- (5) Every tenement within a designated kerbside collection service area will, upon request, be provided with a wheelie bin.
- (6) Wheelie bins provided in accordance with sub-clause (5) remain the property of the Council.
- (7) The Council may impose a charge for the replacement or repair of any wheelie bin.
- (8) The Council or its agent or contractors will only collect a wheelie bin with the lid closed that has been provided by or purchased from the Council for that purpose.
- (9) No person other than the Council or its agent or contractor is to collect recyclables placed in a wheelie bin for collection by Council's kerbside collection service.

Penalty: Fine not exceeding 2 penalty units.

10 General provisions

- (1) A person within the designated area entitled to receive the kerbside collection service must:
- (a) store all wheelie bins wholly within their property boundary unless otherwise authorised by the Council, except when the bins are placed on the kerbside for collection in accordance with the General Manager's notice relating to collections;
- (b) keep all wheelie bins in good repair and in a clean and sanitary condition;
- (c) clean and disinfect the wheelie bins if required to do so by the General Manager or an authorised officer;
- (d) keep the lid of the wheelie bins closed except when waste is being placed in them;
- (e) only leave a wheelie bin for collection on a day and in a manner and location approved by the General Manager at least once per fortnight, or empty the wheelie bin at a waste facility at least once per fortnight, or whenever required to do so by the General Manager or an authorised officer;
- (f) ensure that the contents of the wheelie bin do not exceed 50 kilograms;

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- (g) not place in any wheelie bin which has been approved by the Council for the collection of recyclables any waste except recyclables;
- (h) not place in any wheelie bin which has been approved by the Council for the collection of green waste any waste except green waste; and
- (i) remove a wheelie bin from the kerbside within 24 hours of it being emptied by the kerbside collection service.

Penalty: Fine not exceeding 2 penalty units.

11 Dangerous substances

- (1) A person must not place in any wheelie bin anything or substance that:
 - (a) is hot, or is likely to become hot;
 - (b) may, or is likely to explode;
 - (c) may interact with other substances in the bin and generate toxic or poisonous gases or fumes;
 - (d) is noxious or corrosive;
 - (e) contains sharps;
 - (f) is in any other way hazardous or dangerous; or
 - (g) is controlled waste as defined by the *Environmental Management and Pollution Control Act 1994*.

Penalty: Fine not exceeding 10 penalty units.

*Health and Environmental Services By-Law 2021***PART 4 – CONTROL OF ANIMALS AND POULTRY****12 Keeping of livestock**

- (1) A person must not allow any livestock to be kept on a property:
- (a) having an area of less than 2,000 m²; or
 - (b) within or partially within the residential zone.

Penalty: Fine not exceeding 5 penalty units.

13 Keeping of poultry

- (1) A person must not allow any structure for the keeping of poultry to be within two (2) metres of a property boundary or within five (5) metres of a dwelling on an adjoining property.

Penalty: Fine not exceeding 5 penalty units.

- (2) A person must not keep more than six (6) birds which fall within the definition of poultry on a property:

- (a) having an area of less than 2,000 square metres; or
- (b) within or partly within a residential zone.

Penalty: Fine not exceeding 5 penalty units.

- (3) A person must not keep a rooster on a property within or partly within a residential zone.

Penalty: Fine not exceeding 5 penalty units.

- (4) If a person keeps a rooster on a property in accordance with the requirements of this By-law, the rooster must be kept and housed in such a manner to ensure it does not create a nuisance.

Penalty: Fine not exceeding 5 penalty units.

14 Maintenance of premises used by animals or poultry

- (1) The occupier of any property where an animal, including livestock, or poultry is kept must:

- (a) maintain in a clean and sanitary state any structures, buildings, enclosures, or areas to which the animal or poultry has access to;
- (b) not allow the animal or poultry to cause any nuisance, including through smell, noise, or the attraction of rodents or flies;
- (c) take all necessary steps to abate any nuisance that may arise as a result of keeping of the animal or poultry.

Penalty: Fine not exceeding 5 penalty units.

15 Control of animals

- (1) The occupier of a property must ensure that an animal is contained within the boundaries of the property upon which the animal is usually kept unless that animal is under effective control.

Penalty: Fine not exceeding 5 penalty units.

- (2) An authorised officer may seize, detain and impound an animal where the authorised officer believes an offence against this By-law has been committed.

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- (3) If an animal is seized and its owner is identifiable, the authorised officer is to notify in writing the owner of the animal that:
 - (a) the animal has been seized and detained; and
 - (b) the owner may reclaim the animal.
- (4) If, after five (5) working days after the notice has been given to the owner, the owner does not reclaim the animal, the General Manager may sell, destroy or otherwise dispose of the animal.
- (5) If an animal is seized and its owner is not identifiable, the General Manager, not less than 3 working days after its seizure, may sell, destroy or otherwise dispose of the animal.
- (6) The Council may recover from the owner of the animal the costs of any action taken under this clause and any costs incurred by the Council in moving, maintaining, selling, destroying or disposing of the animal as a debt due to it.
- (7) Clause 15 of this By-law does not apply to:
 - (a) domestic cats or domestic dogs; or
 - (b) a situation where livestock are on a public road and are under the supervisions of a competent person.

16 Maximum number of beehives

- (1) Unless authorised by a permit to do so, a person may keep a maximum number of beehives specified in column 2 on land of the size specified in column 1:

Column 1	Column 2
Land Size	Maximum number of beehives
Less than 600m ²	0
600m ² to 1,000m ²	2
Per 400m ² of land in excess of 1,000m ²	1 additional hive

- (2) A person must not keep more than the maximum number of beehives specified in sub-clause (1) without a permit to do so.

Penalty: Fine not exceeding 5 penalty units.

17 Keeping of beehives

- (1) A person must not keep beehives within three (3) metres of a property boundary.

Penalty: Fine not exceeding 5 penalty units.

*Health and Environmental Services By-Law 2021***PART 5 – BUILDING SITE SANITATION & WASTE MANAGEMENT****18 General duty of the builder**

- (1) A builder must ensure that toilets and/or urinals in accordance with this Part are provided on the building site, or within 100 metres of the building site, prior to the commencement of any building work on the building site.
- Penalty: Fine not exceeding 5 penalty units.

19 Number of toilets provided

- (1) The builder is to provide one (1) toilet for every ten (10) people or part thereof on the building site.
- Penalty: Fine not exceeding 5 penalty units.

20 Location of toilets and urinals

- (1) The builder must comply with any directions given by an authorised officer about the location of the toilets or urinals.
- Penalty: Fine not exceeding 5 penalty units.

21 Toilet design and construction

- (1) A toilet installed on a building site must be installed in accordance with the following requirements:
- (a) the toilet must be provided with a plentiful supply of toilet paper and, where appropriate, must be provided with sanitary disposal units that are regularly serviced;
 - (b) if required by the General Manager or authorised officer, the toilet is to be connected to the sewerage system or temporary on-site system;
 - (c) the toilet must have a suitable and appropriately sized hand wash basin supplied with running water, soap and paper towel.
- Penalty: Fine not exceeding 5 penalty units.
- (2) The builder must comply with any direction given by an authorised officer about the provision of, and/or, the design and installation of a toilet.
- Penalty: Fine not exceeding 5 penalty units.

22 Emptying and cleanliness of toilets

- (1) The builder must ensure that any toilet provided on the building site is emptied:
- (a) regularly; and
 - (b) whenever required by an authorised officer; and
 - (c) in any manner required by an authorised officer.
- Penalty: Fine not exceeding 5 penalty units.
- (2) The builder must ensure that any toilet provided on the building site is maintained in a clean and sanitary condition.
- Penalty: Fine not exceeding 5 penalty units.

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23 Containment of waste

- (1) A builder must ensure that all waste generated by building work on a building site is:
- (a) suitably contained or enclosed within a waste storage receptacle;
 - (b) kept on the building site where the waste was generated until disposal;
 - (c) not unsightly or cause a nuisance as a result of accumulated waste; and
 - (d) promptly retrieved if blown from the building site.

Penalty: Fine not exceeding 5 penalty units.

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*Health and Environmental Services By-Law 2021***PART 6 – CONTROL OF INCINERATORS, OPEN AIR BURNING AND WOOD HEATERS****24 Incinerators**

- (1) A person must not light an incinerator or allow an incinerator to be lit or remain alight on any premises.

Penalty: Fine not exceeding 5 penalty units.

25 Open air fires

- (1) A person must not light an open air fire or allow an open air fire to be lit or remain alight on any premises.

- (a) having an area of less than 2000 square meters; or
(b) within or partly within a residential zone.

Penalty: Fine not exceeding 5 penalty units.

- (2) A person may only burn unpainted, untreated and uncontaminated wood, pellet fuel, a briquette, paper, coal, charcoal or peat in an open air fire.

Penalty: Fine not exceeding 5 penalty units.

26 Solid fuel burning cooking appliances & heaters

- (1) A person may only burn unpainted, untreated and uncontaminated wood, pellet fuel, a briquette, paper, coal, charcoal or peat in an outdoor solid-fuel-burning cooking appliance or outdoor solid-fuel-burning heater where the fire is for cooking food, heating liquids or warming human beings.

Penalty: Fine not exceeding 5 penalty units.

27 Position of open air fires

- (1) A person must not position an open air fire:

- (a) within five (5) metres from any boundary of a property;
(b) within 30 metres from any dwelling on an adjoining property; and
(c) underneath or near any overhanging foliage or other combustible material.

Penalty: Fine not exceeding 5 penalty units

28 Burning not to be a nuisance or dangerous

- (1) A person must not burn any matter or allow any waste, material or substance to be burned in a manner or to an extent which causes a nuisance.

Penalty: Fine not exceeding 10 penalty units.

- (2) A person who is burning any matter, waste, material, or substance which in the opinion of an authorised officer contravenes any clause of Part 6 of this By-law, must extinguish the fire if directed to do so by an authorised officer.

Penalty: Fine not exceeding 10 penalty units.

- (3) An authorised officer may extinguish the fire if a person fails to comply with a direction given in accordance with sub-clause (2) within a reasonable time.

- (4) In addition to a penalty imposed under sub-clause (2), any expense incurred by the Council in consequence of the failure to comply with the direction under sub-clause (2) is recoverable by the Council as a debt payable by the person so failing to comply.

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29 Access to water supply

- (1) A person must not light an open-air fire or allow an open-air fire to be lit or to remain alight unless:
- (a) a water supply, or another suitable means of fire extinguishment, is provided; and
 - (b) a person aged 18 years or older is in attendance at all times.

Penalty: Fine not exceeding 10 penalty units

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*Health and Environmental Services By-Law 2021***PART 7 – CARAVANS****30 Structures treated as exempt caravans**

- (1) This By-Law does not apply to a caravan that is:
- (a) situated in a caravan park;
 - (b) used by a travelling show person in the ordinary course of their business;
 - (c) used by Council employees or contractors involved in performing duties for and on behalf of the Council, the Federal Government or the State Government;
 - (d) situated at a person's principal residence and used solely for the purpose of storage;
 - (e) occupied for thirty (30) days or less in a calendar year;
 - (f) the subject of a permit or licence granted or issued under any other By-law of the Council.

31 Use of land for caravan

- (1) Unless authorised by a permit to do so, a person who is the owner or occupier of any land must not use or allow the land to be used to set up a caravan or caravans, for a period not exceeding thirty (30) days in a calendar year, which is to be used for human habitation or occupation.
Penalty: Fine not exceeding 5 penalty units.
- (2) For the purpose of reckoning time in sub-clause (1), each day that any caravan is set up and being used on the land for human habitation or occupation is to be counted. If multiple caravans are set up and being used on the land for human habitation or occupation, the cumulative time for which they are set up and being used on the land for human habitation or occupation must not exceed thirty (30) days in a calendar year.

32 Occupation of a caravan

- (1) A person must not occupy a caravan, for a period not exceeding thirty (30) days in a calendar year, unless the owner or occupier of the land on which the caravan is set up is the holder of a valid permit pursuant to this By-law or a permit issued pursuant to the *Land Use Planning and Approvals Act 1993*.
Penalty: Fine not exceeding 5 penalty unit and in the case of a continuing offence, a further daily penalty of 0.5 penalty unit.

33 Commercial occupation of a caravan

- (1) A person must not accept any fee or reward from any person in return for the occupation of any caravan set up on private property unless the property is approved as a caravan park.
Penalty: Fine not exceeding 10 penalty units.

*Health and Environmental Services By-Law 2021***PART 8 – PERMITS****34 Granting permits**

- (1) A permit may be granted for any purpose under this By-law by:
 - (a) the General Manager in writing; or
 - (b) any electronic method authorised by the General Manager, including via the Council's website or any application operated by or on behalf of the Council.

35 Applications

- (1) Any application for a permit pursuant to this By-law must:
 - (a) be made in writing and in accordance with any form approved by the General Manager;
 - (b) be accompanied by the relevant prescribed fee per application, if any, specified in Schedule 2 to this By-law; and
 - (c) where applicable, must be accompanied by the following:
 - i. a statement in writing of the type and nature of the activity proposed to be undertaken by the applicant and the period of time within which it is proposed to be carried out;
 - ii. a scaled drawing showing the location and extent of the proposed occupation or activity;
 - iii. a safety management plan or a description of any necessary safety measures that are appropriate for the proposed activity;
 - iv. evidence of current public liability insurance or other relevant insurance; and
 - v. such other information as the General Manager may reasonably require.

36 Factors to be considered when granting a permit

- (1) In deciding whether or not to grant a permit pursuant to this Part the General Manager may have regard to the following:
 - (a) the potential for damage to Council infrastructure;
 - (b) public amenity and safety;
 - (c) public access in the area;
 - (d) the maintenance of public order in the area;
 - (e) the potential for and extent of any environmental harm;
 - (f) the movement of traffic in the area;
 - (g) the manner of any proposed sign or advertising;
 - (h) the nature, size, shape, extent and location of any proposed building or structure;
 - (i) the availability of suitable parking for motor vehicles in the area;
 - (j) representations made by a police officer; and
 - (k) any other relevant matters.

*Health and Environmental Services By-Law 2021***37 Factors to be considered in respect of a caravan permit**

- (1) In deciding whether or not to grant a permit under this By-law for the occupation of a caravan, the General Manager may have regard to the following:
 - (a) whether the use of the caravan will adversely affect or is likely to adversely affect the amenity of the neighbourhood in which the caravan is to be set up;
 - (b) whether the caravan has sufficient or satisfactory facilities for the supply of water or disposal of waste water available to the occupants;
 - (c) whether the occupation of the caravan is likely to cause a health hazard;
 - (d) any relevant policy of the Council;
 - (e) any other relevant matter.

38 Conditions of a permit

- (1) A permit granted under this By-law must be in writing and may be granted on such terms and conditions as the General Manager considers appropriate. Those conditions may include:
 - (a) a restriction on the type of activity;
 - (b) a restriction on the period in which the activity may be carried out;
 - (c) the precautions to be observed while the activity is being carried out;
 - (d) the requirement for supervision or control of the activity;
 - (e) the record to be kept or notification to be given in relation to any activity carried out pursuant to the permit;
 - (f) the permit is not transferable or assignable, and may not be relied upon, by another person without the written approval of the General Manager;
 - (g) the requirement to obtain and hold public liability insurance or other relevant insurance;
 - (h) the payment of a bond to cover any damage to Council property or any cleaning required, or the provision of an indemnity to Council for any other loss or damage; and
 - (i) the acceptance of responsibility for any damage to or loss of Council property as a result of the activity.
- (2) The holder of a permit granted pursuant to this By-law must comply with the terms and conditions of the permit.
Penalty: Fine not exceeding 10 penalty units.

39 Bond and deposit

- (1) The General Manager may, as a condition of a permit, require a person to pay a bond or provide a bank guarantee on such terms as the General Manager may determine to provide security against any reasonable costs which the Council may incur as a result of a failure of a person to comply with the obligations or requirements of a permit.
- (2) The General Manager may determine that if a permit holder defaults on carrying out any obligations or requirements of a permit, all or part of the bond or bank guarantee provided in accordance with sub-clause (1) may be retained by the Council to meet the costs incurred by the Council to carry out those obligations or requirements.

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- (3) Monies deposited with the Council in accordance with this clause or the balance of the monies is to be forwarded to the person following final inspection and approval by the General Manager of the obligations or requirements of the Permit.
- (4) The Council may recover in a court of competent jurisdiction from the permit holder any expenses incurred by it in the carrying out of the obligations or requirements of a permit, less the amount of the bond paid by the permit holder for that purpose, if any, as a debt due to it.

40 Permits generally

- (1) Every permit issued pursuant to this By-law:
 - (a) must be in writing and may be in the form of a letter;
 - (b) must bear the date on which it was issued;
 - (c) remains in force for the period for which it was issued, unless it is cancelled, suspended or surrendered;
 - (d) must be carried by the permit holder at all times while undertaking the activity approved under the permit; and
 - (e) must be surrendered to the Council if it is cancelled or suspended or when it is due for renewal.

41 Production of a permit

- (1) A permit holder is to produce the permit immediately when requested to do so by a police officer or an authorised officer, and the holder of the permit must answer all questions which are reasonably necessary to establish that the person holds a permit in good faith.
Penalty: Fine not exceeding 5 penalty units.

42 Variation of permit conditions

- (1) The conditions of any permit may be varied if the General Manager considers it is appropriate to do so.
- (2) If the conditions of any permit are varied pursuant to sub-clause (1), the General Manager must serve a notice in writing on the permit holder stating:
 - (a) the conditions of the permit that are varied; and
 - (b) the reason or reasons for the variation of the permit conditions.
- (3) The conditions of a permit will be varied from the date of service of the notice of the variation.

43 Cancellation and suspension of permits

- (1) The General Manager may cancel or suspend a permit if satisfied that the permit holder:
 - (a) has breached a By-law of the Council;
 - (b) failed to comply with any condition of a permit;
 - (c) is convicted of any offence involving dishonesty; or
 - (d) is convicted of any offence involving a breach of public order.

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- (2) If a permit is cancelled or suspended pursuant to sub-clause (1), the General Manager must serve a notice in writing on the permit holder stating:
 - (a) the permit is cancelled, or the permit is suspended including the length of the suspension; and
 - (b) the reason or reasons for the cancellation or suspension.
- (3) Cancellation or suspension of any permit is effective from the date of service of the notice on the permit holder or the date specified in the notice, whichever is the latter.
- (4) The General Manager may cancel or suspend a permit if this is required due to the exercise or intended exercise of any local government function, power, right or duty by the Council.
- (5) Notwithstanding, sub-clauses (2) and (3), the General Manager may cancel or suspend a permit by any communication conveyed to the permit holder by any means including notice by radio or television in emergency situations or in a situation considered appropriate by the General Manager.

44 Notice

- (1) For the purposes of clauses 42(2) and 43(2) of this By-law, a notice may be served in any of the following ways:
 - (a) on the holder of the permit personally;
 - (b) by ordinary post to the last known address of the permit holder; or
 - (c) by notice being given in the public notice section of a newspaper circulating in the Kingborough municipal area.
- (2) The date of service of a notice will be:
 - (a) if the holder of the permit was served by ordinary post, 5 business days from the date the notice was posted; or
 - (b) if the notice was given in a newspaper, the date of the publication of that newspaper.

45 Assignment of permit

- (1) A permit must not be assigned and is not transferable to any person except with the written consent of the General Manager.

46 Competing applications

- (1) If there are competing applications for a permit pursuant to this By-law, the General Manager may determine which application for a permit is to be granted, if any.
- (2) The General Manager may determine that a prior or later application for a permit is to be granted in preference to any other application.

*Health and Environmental Services By-Law 2021***PART 9 – ENFORCEMENT****47 Offences**

- (1) A person who contravenes or fails to comply with a provision of this By-law is guilty of an offence and is liable on conviction to a penalty as specified in this By-law in respect of that offence.

48 Supply of name and address

- (1) An authorised officer may require a person to give their name and address if the authorised officer reasonably believes that the person is offending or has offended against this By-law.
- (2) A person who fails or refuses to comply with a request to give their name and/or address is guilty of an offence.
Penalty: Fine not exceeding 5 penalty units.
- (3) A police officer making a request under sub-clause (1) may arrest a person who is on land owned by, or under the control of, the Council and whom the police officer reasonably believes is offending against sub-clause (1).

49 Abuse or obstruction of an authorised officer

- (1) A person must not obstruct, hinder, resist or use abusive language to an authorised officer while the authorised officer is acting in the course of their duties pursuant to this By-law.
Penalty: Fine not exceeding 10 penalty units.

50 Enforcement and removal of articles

- (1) An authorised officer may:
 - (a) refuse to admit a person to a waste facility whom the authorised officer reasonably believes is offending or has committed an offence against this By-law;
 - (b) direct any person to leave the waste facility whom the authorised officer reasonably believes is offending against this By-law;
 - (c) remove any thing which is on a waste facility without the approval of the Council;
 - (d) remove any person from a waste facility whom the authorised officer reasonably believes is offending or has committed an offence against this By-law.
- (2) A person who fails to comply with a direction under sub-clause 1(b) is guilty of an offence.
Penalty: Fine not exceeding 10 penalty units.

51 Removed articles

- (1) An article which has been removed from a waste facility pursuant to this By-law must be kept in a safe place until it has been claimed by the owner or a person on behalf of the owner or disposed of pursuant to this By-law.
- (2) If an article which has been removed from a waste facility pursuant to this By-law is not claimed by the owner or person on behalf of the owner within 48 hours following its removal, an authorised officer is to give notice to the owner of the removal of the article.

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- (3) A notice under sub-clause (2) is to give the following details:
 - (a) a description of the article and any distinguishing features;
 - (b) the place from where it was removed;
 - (c) the date on which it was removed;
 - (d) the place from which the article may be claimed;
 - (e) the fees, costs or charges payable in respect of the removal, maintenance and storage of the article; and
 - (f) that if not claimed within 14 days that the article may be disposed of by the General Manager.
- (4) If the owner of the removed article cannot be ascertained or found, and if the General Manager is of the opinion that the value of the article warrants the cost of advertising, the General Manager is to publish on at least one occasion a notice containing the particulars specified in sub-clause (3) in a newspaper circulating in the municipal area.
- (5) If the owner of the article cannot be ascertained or found, no advertising is published in accordance with sub-clause (4), and the article is not claimed by the owner or by a person on behalf of the owner within 28 days after it has been removed, the article may be disposed of in accordance with clause 53(2).

52 Fees, costs and charges

- (1) The owner of any article removed pursuant to this By-law is liable to pay:
 - (a) any fees, costs and charges specified in a notice issued pursuant to clause 51(2);
 - (b) any further fees, costs and charges incurred in the storage and further maintenance of the article once removed; and
 - (c) any fees, costs or charges incurred in the disposal of the article pursuant to clause 53.
- (2) Any unpaid fees, costs or charges are a debt due to the Council and may be recovered by the Council in a court of competent jurisdiction.
- (3) The Council may retain an article until any fees, costs or charges are paid.

53 Disposal of unclaimed articles

- (1) The Council may dispose of an article if:
 - (a) the article is not claimed within 14 days of the service of a notice given under clause 51(2); or
 - (b) any fees, costs or charges specified in a notice under clause 51(2) that have not been paid within 14 days of the service of that notice.
- (2) An article may be disposed of under clause 51(5) or 53(1):
 - (a) by tender or public auction following notification in a local newspaper circulating in the municipal area; or
 - (b) in such manner as the General Manager determines if:
 - i. the General Manager is of the reasonable belief that the article has a value that does not warrant the costs of a tender or a public auction; or
 - ii. no tender is received, or no bid is made at a public auction.

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- (3) If an article is disposed of under this clause the General Manager must notify the owner of the article as soon as possible if the owner can be ascertained or found by reasonable enquiries.
- (4) If the owner of the article is identified, then the proceeds obtained from the disposal or sale of the article must be paid to the owner, less any fees, costs or charges incurred by the Council in the removal, storage and disposal of the article.

54 Article required for prosecution

- (1) Where an article is required by the Council for the prosecution of an offence under this By-law, the article is to be released to the owner following the completion of the prosecution proceedings and on payment of any relevant fees, costs and charges unless otherwise directed by a court.
- (2) The Council may, under clause 53, dispose of an article required under sub-clause (1) which is not claimed by the owner, or in relation to which fees, costs and charges have not been paid, within 30 days of the completion of court proceedings.

55 Assistance of police officers

- (1) A police officer is authorised to:
 - (a) assist an authorised officer to carry out an action under this By-law;
 - (b) remove any person from a waste facility whom the police officer reasonably believes has committed or who is committing an offence under this By-law;
 - (c) remove any article which is on a waste facility without a permit or the approval of the Council; and
 - (d) arrest any person who is on a waste facility whom the police officer reasonably believes has committed or who is committing an offence under this By-law.

*Health and Environmental Services By-Law 2021***PART 10 – NOTICES AND DIRECTIONS****56 Notices and directions generally**

- (1) A notice given under this By-law is to be given in writing, which may be in the form of a letter, and is to be given in accordance with section 29AB(1)(a) of the *Acts Interpretation Act 1931*.
- (2) A direction given under this By-law may be given verbally or in writing and may be in the form of a letter.
- (3) Unless otherwise required by this By-law, a notice or direction given under this By-law may be subject to such conditions and requirements and allow such period for action as the General Manager or authorised officer may determine.
- (4) Unless otherwise specified in a notice or direction, a person to whom a notice or direction is given is to comply with the notice or direction at the cost of that person.
- (5) A notice or direction given under this By-law requiring a person to carry out or undertake action or work may direct that the action or work be:
 - (a) in or of such specified materials;
 - (b) carried out within a specified period of time;
 - (c) carried out in such a manner as the General Manager or an authorised officer directs; or
 - (d) be done only by a person with the appropriate qualification.
- (6) The Council may require the person carrying out the work to pay to the Council, or enter into a bond for payment to the Council of, an amount it thinks fit to provide security against costs which it may incur as a result of the execution of the work.

57 Non-compliance with notice or direction

- (1) A person to whom a notice or direction has been given under this By-law must comply with that notice or direction and any conditions of that notice or direction and within the time period specified in the notice or direction.
Penalty: Fine not exceeding 10 penalty units.
- (2) The Council may undertake the work required to be carried out in a notice or direction given pursuant to this By-law if the person to whom a notice or direction is given fails to comply with the notice or the direction within the time specified in the notice or direction.
- (3) The Council may recover in a court of competent jurisdiction, its expenses in undertaking work under the notice issued or direction given pursuant to this By-law as a debt payable to it from the person who fails to comply with the notice or direction in addition to any penalty imposed under sub-clause (1) and this By-law.

*Health and Environmental Services By-Law 2021***PART 11 – MISCELLANEOUS****58 Referral to Council**

- (1) No provision of this By-law is to be construed as preventing the General Manager from referring any application for a permit to the Council.

59 Expenses incurred

- (1) The Council may rectify a breach of this By-law, including any damage to Council property, without ordering the offending person to undertake the rectification works.
- (2) In addition to a penalty imposed in relation to a failure to comply with or a contravention of this By-law, an expense or damages incurred by the Council as a result of the breach of this By-law, is recoverable by the Council as a debt payable by the person committing that breach.

60 Debt due

- (1) All monies payable to the Council under this By-law are a debt due to the Council and recoverable at law.

*Health and Environmental Services By-Law 2021***PART 12 - INFRINGEMENT NOTICES****61 Infringement notices**

- (1) In this clause –
 "specified offence" means an offence against a clause specified in Column 1 of Schedule 1.
- (2) An authorised officer may issue an infringement notice to a person in respect of a specified offence and the monetary penalty payable under the infringement notice for that offence is the applicable sum set out adjacent to the offence in Column 3 of Schedule 1 to this By-Law.
- (3) An authorised officer may:
 - (a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and
 - (b) issue one infringement notice in respect of more than one specified offence.
- (4) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.
- (5) In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.
- (6) A person who is served with an infringement notice must, within 28 days of the date of service, do one or more of the following:
 - (a) pay the monetary penalty in full to the General Manager;
 - (b) apply to the General Manager for withdrawal of the infringement notice;
 - (c) apply to the General Manager for a variation of payment conditions; or
 - (d) lodge with the General Manager a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.
- (7) If a person who has been served with an infringement notice fails to take one or more of the actions required by sub-clause (6) within the prescribed time, the infringement may be referred to the Director, Monetary Penalties Enforcement Service.

*Health and Environmental Services By-Law 2021***SCHEDULE 1 – INFRINGEMENT NOTICE OFFENCES**

Column 1 Clause	Column 2 General Description of Offence	Column 3 Penalty Units
4(1)	Deposit matter at waste facility outside time	1
5(3)	Disobey direction of authorised officer or direction sign	2
6(1)	Prohibitions in the disposal area	1
8(2)	Prohibition from entering waste facility	2
9(9)	Remove articles from mobile recycling bin	1
10(1)	Proper use of mobile garbage and recycling bins	1
11(1)	Placement of dangerous substances in mobile bins	2
12(1)	Keeping of livestock	1
13(1)	Keeping of poultry too close to boundary or house	1
13(2)	Keeping of more than 6 poultry	1
13(3)	Keeping of rooster in residential zone	1
13(4)	Fail to house rooster in proper manner	1
14(1)	Maintenance of premises used by animals or poultry	1
15(1)	Control of animals	1
16(2)	Maximum number of beehives	1
17(1)	Keeping of beehives	1
18(1)	Fail to provide sanitary facility on building site	1
19(1)	Fail to provide sufficient sanitary facilities	1
20(1)	Fail to obey direction of authorised officer	1
21(1)	Fail to provide sanitary facility to appropriate standard	1
21(2)	Fail to comply with direction of authorised officer	1
22(1)	Fail to empty sanitary facility	1
22(2)	Fail to keep sanitary facility clean	1
23(1)	Containment of waste	1
24(1)	Light an incinerator	1
25(1)	Open air fires	1
25(2)	Burning materials	1
26(1)	Solid fuel burning appliances and heaters	1
27(1)	Site open air fire too close to dwelling or boundary	1
28(1)	Burn matter dangerous to health or nuisance	2
28(2)	Fail to extinguish fire	2
29(1)	Light an open air fire without water supply or supervision	2
31(1)	Set up caravan for occupation for more than 30 days	1
32(1)	Occupy caravan without a permit	1
33(1)	Receive fee for occupation of caravan	2
38(2)	Fail to comply with conditions of permit	2
41(1)	Fail to produce permit	1

Health and Environmental Services By-Law 2021

Column 1	Column 2	Column 3
Clause	General Description of Offence	Penalty Units
48(2)	Fail to supply name and address	1
49(1)	Abuse or obstruction of authorised officer	2
50(2)	Fail to comply with direction to leave waste facility	2
57(1)	Fail to comply with notice or direction	2

*Health and Environmental Services By-Law 2021***SCHEDULE 2 – PRESCRIBED FEES**

Column 1	Column 2	Column 3
Clause	Fee Name	Fee Units
16(1)	Permit - Exceeding number of beehives	25
31(1)	Permit - Human habitation of caravan more than thirty (30) calendar days.	25

Health and Environmental Services By-Law 2021

Certified as being in accordance with the law by:

.....

Solicitor

Dated

Certified as being made in accordance with the *Local Government Act 1993*:

.....

General Manager

Dated

The Common Seal of Kingborough Council was hereunto affixed in the presence of:

.....

Mayor / Councillor

Dated

.....

General Manager

Dated

KINGBOROUGH COUNCIL

**PARKS, RECREATION AND NATURAL
AREAS BY-LAW**

BY-LAW NO. 3 OF 2021

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KINGBOROUGH COUNCIL

PARKS, RECREATION AND NATURAL AREAS BY-LAW

BY-LAW No. 3 of 2021

This By-Law of the Kingborough Council is made under section 145 of the *Local Government Act 1993* for the purpose of regulating conduct on Council land and recreational facilities in the Kingborough municipal area.

PART 1 – PRELIMINARY**1 Short title**

- (1) This By-law may be cited as the *Parks By-law 2021*.

2 Application

- (1) This By-law applies to the municipal area of the Kingborough Council.
- (2) This By-law does not apply to a councillor or an employee of the Council or a contractor or agent of the Council where such person is carrying out activities in or on any Council land or recreational facility in the course of their duties for and on behalf of the Council.
- (3) This By-law does not apply to any Council land or recreational facility which is the subject of a lease from the Council to a person under Division 1 of Part 12 of the *Local Government Act 1993*.

3 Interpretation

- (1) In this By-law:

“**Act**” means the *Local Government Act 1993*;

“**animal**” has the same meaning as in the *Animal Welfare Act 1993*;

“**article**” means any, vehicle item or thing that can be removed pursuant to this By-law;

“**authorised officer**” means an employee of the Council authorised by the Council or the General Manager for the purposes of this By-law;

“**camp**” means to:

- (a) erect a tent or similar portable structure; or
- (b) sleep in the open or in any form of shelter or vehicle between 10:00pm and 6:00am;

“**caravan**” means any object or structure having the general characteristics of a caravan, a house or dwelling on wheels, a covered van or trailer, and any vehicle used or adapted for human habitation or occupation, whether the wheels or axles are removed or not and whether it is resting directly on the ground or is placed on blocks or other supports, and any structure, awning, veranda, lean-to, carport or other enclosed or partly enclosed area used or capable of being used in connection with or appurtenant to any caravan but does not include a building or temporary structure for which a permit is required under the *Building Act 2016*;

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"children's playground" means any area under the management or control of the Council in which children's play equipment is installed and extends for a distance of 10 metres in all directions from the play equipment, or to the fence surrounding the play equipment, whichever is the greater.

"Council" means the Kingborough Council;

"Council land" means:

- (a) all public land as defined by section 177A(1) of the Act and as recorded on the municipal map maintained on behalf of Council;
- (b) any other land owned by Council; and
- (c) any land in which Council has an interest including by way of a lease or licence; and includes:
 - (d) any road, footpath, nature strip or parking area within any of those areas; and
 - (e) any structure or building erected on those areas;
 - (f) a natural area;
 - (g) a park;

but does not include a highway;

"declared weed" has the same meaning as a declared weed under the *Weed Management Act 1999*;

"electoral sign" means a sign erected for the purpose of advertising that a person is standing as a candidate in an Australian Government, State Government or Local Government election;

"environmental harm" means as defined by the *Environmental Management and Pollution Control Act 1994*;

"event" means:

- (a) any activity commercial in nature;
 - (b) any party, reception or private gathering in excess of fifty (50) people;
- but does not include a meeting or organised sports.

"Fee unit" means the sum as prescribed under the provisions of the *Fee Unit Act 1997*;

"General Manager" means the General Manager appointed by the Council pursuant to section 61 of the Act;

"hall" means a building owned or controlled and managed by the Council and designated by the Council as a hall together with any toilets, change rooms, kiosk, surrounding grounds, or other area associated with the hall;

"highway" means:

- (a) any highway, local highway or country highway as defined under the *Local Government (Highways) Act 1982*;
- (b) any part of a State Highway or subsidiary road within the meaning of the *Roads and Jetties Act 1935* for which the Council is responsible for maintaining and reconstruction of as a local authority pursuant to section 11 of that Act;
- (c) any highway or road which is wholly or partly maintained or maintainable by Council and shown on the map maintained by Council pursuant to section 208 of the Act;

Parks, Recreation and Natural Areas By-Law 2021

- (d) and includes a highway reservation, footpath or walkway, kerb and guttering, nature strip, pavement and earth surface drain;

"livestock" means any animal (including any variants/miniatures of any animal) which can be farmed, whether kept for farming or domestic purposes, and includes:

(a) domestic stock as defined by the *Nature Conservation Act 2002*;

(b) a stock animal as defined in the *Biosecurity Act 2019*;

but does not include horses;

"material" includes stones, clay, earth, mud, soil, cement, concrete, glass, filth, dust, ashes, oil, liquid and animal droppings or other offensive or noxious substances;

"meeting" means an assembly of people and includes a parade, performance, rally, public speaking, preaching, march or demonstration or other event which causes people to assemble;

"municipal area" means the area of land under the control of the Council and defined in section 16 of the Act;

"natural area" means any natural bushland area, riparian zone or coastal zone under the control of the Council whether a public reserve or acquired for other purposes which the public have a right to enter;

"owner" includes:

(a) in the case of a vehicle:

- (i) a joint owner or part owner; or
- (ii) a person who has the use of the vehicle under a hiring or a hire purchase agreement; or
- (iii) a person in whose name as owner the vehicle is registered under the *Vehicle and Traffic Act 1999* or any corresponding enactment of a State or Territory of the Commonwealth; or
- (iv) a person who is in charge of the vehicle at the time at which there is alleged to have been a contravention of this By-law involving the vehicle; and

(b) in the case of a vessel:

- (i) a joint owner or part owner; or
- (ii) a person who has the use of the vessel under a hiring or a hire purchase agreement; or
- (iii) a person who is in charge of the vessel at the time at which there is alleged to have been a contravention of this By-law involving the vessel;

"park" includes gardens, beaches, cycleways and any children's playground or park under the management or control of the Council;

"party" means a social gathering, as of invited guests for conversation, refreshments or entertainment;

"penalty unit" means the amount of money set under the provisions of the *Penalty Units and Other Penalties Act 1987*;

"permit" means a permit granted under Part 4 of this By-law;

"permit holder" means a person to whom a permit is granted under Part 4 of this By-law;

"person" means an individual, corporation or other legal entity (other than the Crown);

Parks, Recreation and Natural Areas By-Law 2021

"products of wildlife" means:

- (a) the dead bodies, and parts of the dead bodies of wildlife;
- (b) any material or thing obtained from the bodies or dead bodies of wildlife;
- (c) any eggs of wildlife; and
- (d) any nests of wildlife.

"reception" means a function or occasion when persons are formally received;

"recreation area" means a recreation ground and areas appurtenant to that ground and any change rooms, club rooms, club house, buildings, grandstands and other structures associated with the use of that recreation ground;

"recreation ground" means the playing area of a sports field, court or similar facility and the area between the boundary of the sports field, court or similar facility to a fence or barrier surrounding the sports field, court or similar facility or, if there is no fence or barrier, a distance of 5 metres from the boundary;

"recreational facility" means a sports centre, hall, recreation area, recreation ground and includes part of that facility;

"road" includes a road or part of a road with a constructed surface suitable for the use of vehicles and an area set aside by the Council for parking vehicles;

"sharps" means objects or devices having acute rigid corners, edges, points or protuberances capable of cutting or penetrating the skin and includes hypodermic needles, intravenous sets, Pasteur pipettes, lancets, and scalpel blades used in medical, dental veterinary and nursing applications;

"sign" means any board, sign, plaque or banner which in any way makes an announcement or is an advertisement which is not permanently attached to any building or other structure;

"sports centre" means a building owned or controlled and managed by the Council as a sports centre and any sports courts, sports facilities, toilets, change rooms, kiosk or other area associated with the sports centre;

"stall" includes any table, wagon, trailer, wheelbarrow or transportable structure used by any person to sell and distribute goods and/or services to the public, solicit donations and/or sell raffle or lottery tickets;

"toilet" means a toilet owned or controlled and managed by the Council for use by the public;

"user agreement" means an agreement entered into for the hire or use of any Council land or recreational facility pursuant to this By-law;

"vehicle" means a vehicle as defined by the *Vehicle and Traffic Act 1999*;

"watercraft" means a vessel or craft capable of being used as a means of conveyance or movement across, through on or in water, whether propelled by sail, motor, oars or otherwise;

"wildlife" has the same meaning as the *Nature Conservation Act 2002*.

*Parks, Recreation and Natural Areas By-Law 2021***PART 2 - MANAGEMENT OF COUNCIL LAND AND RECREATIONAL FACILITIES*****Division 1 - Notices*****4 Use of Council land and recreational facilities**

- (1) The General Manager may by notice make rules for and regulate the management, control and use of any Council land or recreational facility.
- (2) A notice under sub-clause (1) may be placed on a sign on or at the Council land or recreational facility in respect of which the notice applies.
- (3) A person on or in any Council land or recreational facility must obey the terms and conditions of any notice given under sub-clause (1).

Penalty: Fine not exceeding 5 penalty units.

Division 2 - Hiring of Council Land and Recreational Facilities**5 Hire of Council land and recreational facilities**

- (1) A person, may, by permit, hire any Council land or recreational facility.
- (2) The Council may require a person, to sign a user agreement prior to hiring any Council land or recreational facility in place of granting a permit.
- (3) The Council may impose such terms and conditions in a permit or user agreement as the Council determines.
- (4) The Council may under this clause confer upon a permit holder or hirer, the right to:
 - (a) make charges for admission to the Council land or recreational facility or to any grandstand, pavilion, building or enclosure on Council land or recreation facility to which the permit or user agreement applies; and
 - (b) exclude any person from the land or recreational facility to which the permit or user agreement applies who does not pay such charge.

6 Closure of Council land or a recreational facility

- (1) The General Manager may close any Council land or recreational facility to members of the public for such periods as the General Manager may determine.
- (2) A person must not, without a permit, user agreement or other written consent from the General Manager, enter or remain on or in any Council land or recreational facility if it is closed to the public.

Penalty: Fine not exceeding 5 penalty units.

*Parks, Recreation and Natural Areas By-Law 2021***PART 3 – GENERAL OFFENCES*****Division 1 - Use*****7 Admission charges**

- (1) Unless authorised by a permit or user agreement to do so, a person must not charge admission or collect money for admission from any person in, or who is about to enter, any Council land or recreational facility.

Penalty: Fine not exceeding 10 penalty units.

8 Entry into Council land or a recreational facility

- (1) A person must not enter any Council land or recreational facility during the period in which it is hired to any other person unless authorised to do so by the hirer.

Penalty: Fine not exceeding 10 penalty units.

- (2) A person must not remain in or on any Council land or recreational facility where an entry fee is payable unless they have paid the correct fee.

Penalty: Fine not exceeding 10 penalty units.

Division 2 - Protection of Natural Areas and Property**9 Protection of vegetation**

- (1) Unless authorised by a permit to do so, a person must not, by any act, wherever performed, cut, pluck, destroy or injury any tree, shrub, flower or other vegetation growing in or on any Council land, or recreational facility.

Penalty: Fine not exceeding 5 penalty units.

- (2) Unless authorised by a permit to do so, a person must not remove any wood or timber from any Council land or recreational facility.

Penalty: Fine not exceeding 5 penalty units.

- (3) This clause does not apply to an electricity entity under the *Electricity Supply Industry Act 1995*, where permission is presumed by section 52(5) of that act or a person acting in accordance with Council endorsed policy or guidelines.

10 Planting or tending vegetation

- (1) A person must not on Council land, or recreational facility, plant any vegetation without a permit.

Penalty: a fine not exceeding 10 penalty units.

- (2) The provisions of sub-clause (1) do not apply to any employee, contractor or authorised volunteer of or engaged by the Council to plant vegetation on that Council land who plants vegetation of the nature they are engaged by the Council to plant or a person planting within Council land in accordance with Council endorsed policy or guidelines.

- (3) For the purposes of this clause, "plant" includes:

- (a) any method of placing vegetation in or on the ground in a way that is likely to allow or induce the vegetation to survive or grow; and
(b) propagating, husbanding, watering or otherwise tending to vegetation.

*Parks, Recreation and Natural Areas By-Law 2021***11 Declared weeds**

- (1) Unless authorised by a permit to do so, a person must not bring into, or leave, or be in possession of any declared weed in or on any Council land or recreational facility.
Penalty: Fine not exceeding 5 penalty units.

12 Protection of material

- (1) Unless authorised by a permit to do so, a person must not dig, cut or remove any material on or from any Council land or recreational facility.
Penalty: Fine not exceeding 5 penalty units.
- (2) Unless authorised by a permit to do so, a person must not deposit, or place any material onto any Council land or recreational facility.
Penalty: Fine not exceeding 5 penalty units.

13 Protection of wildlife

- (1) Unless authorised by a permit to do so, a person must not take any wildlife or products of wildlife from any Council land or recreational facility.
Penalty: Fine not exceeding 10 penalty units.
- (2) Unless authorised by a permit to do so, a person must not lay or set any trap or deposit any substance likely to injure or harm any wildlife on or in any Council land or recreational facility.
Penalty: Fine not exceeding 10 penalty units.
- (3) Unless authorised by a permit to do so, a person must not interfere with the nest, breeding place or habitation of any wildlife on or in any Council land or recreational facility.
Penalty: Fine not exceeding 10 penalty units.
- (4) Unless authorised by a permit to do so, a person must not intentionally disturb any wildlife on or in any Council land or recreational facility.
Penalty: Fine not exceeding 10 penalty units.

14 General Offences

- (1) Unless authorised by a permit to do so, a person must not make or mark out a track or route on or in any Council land or recreational facility.
Penalty: Fine not exceeding 5 penalty units.
- (2) Unless authorised by a permit to do so, a person must not erect a cairn or memorial on or in any Council land or recreational facility.
Penalty: Fine not exceeding 5 penalty units.

15 Fires

- (1) Unless authorised by a permit to do so, a person must not light, allow to be lit or maintain any fire in or on any Council land or recreational facility.
Penalty: Fine not exceeding 10 penalty units.

*Parks, Recreation and Natural Areas By-Law 2021***16 Defacement to Council land or recreational facility**

- (1) Unless authorised by a permit to do so, a person must not mark, write on, paint or in any way deface any Council property, Council land or recreational facility.

Penalty: Fine not exceeding 10 penalty units.

17 Damage to relics

- (1) A person must not remove, damage, deface or disturb any brick, glass, coin, masonry, ceramics, or any other object of cultural, architectural, historical or scientific interest in or on any Council land or recreational facility.

Penalty: Fine not exceeding 20 penalty units.

18 Buildings and structures, plaques and obstructions

- (1) Unless authorised by a permit to do so, a person must not place, leave, build, erect, or set up any building, structure, plaque, or an obstruction of any kind in or on any Council land or recreational facility.

Penalty: Fine not exceeding 5 penalty units.

19 Storage of watercraft

- (1) Unless authorised by a permit to do so, a person must not store, leave or abandon a watercraft on any Council land or recreational facility.

Penalty: Fine not exceeding 5 penalty units.

20 Children's playgrounds

- (1) A person must not do any of the following in a children's playground:

- (a) fail to comply with directions of an authorised officer; or
- (b) misuse any children's playground equipment.

Penalty: Fine not exceeding 5 penalty units.

21 Creation of an entrance to Council land or a recreational facility

- (1) Unless authorised by a permit to do so, a person who owns or occupies land adjoining any Council land or recreational facility must not create an entrance to that Council land or recreational facility.

Penalty: Fine not exceeding 5 penalty units.

- (2) The General Manager may by notice require a person who owns or occupies land adjoining any Council land or recreational facility to close any entrance that accesses the Council land or recreational facility.

- (3) A person who receives notice to close an entrance from their land to a public reserve must close the entrance within 14 days of receiving the notice.

- (4) The Council may execute any necessary work to close an entrance if:

- (a) the person whose land it leads to is directed to close the entrance and fails to do so; or
- (b) the entrance is not closed in the manner notified by the General Manager.

- (5) If the Council closes an entrance, the person from whose land it leads must pay the Council for all of the costs that the Council incurs in doing the work with those costs being recoverable in a court of competent jurisdiction as a debt due to it.

*Parks, Recreation and Natural Areas By-Law 2021***Division 3 - Animals, Vehicles, Bicycles, Skateboards****22 Use of vehicle and horses**

- (1) Unless authorised by a permit or user agreement to do so, a person must not drive any vehicle, or ride or lead any horse in or on any Council land or recreational facility except on a road or track which the Council has authorised to be used for vehicles or horses.

Penalty: Fine not exceeding 5 penalty units.

23 Parking in Council land or recreational facility

- (1) Unless authorised by a permit to do so, a person must not park or leave any vehicle in or on any Council land or recreational facility except within an area set aside by the Council as a parking area.

Penalty: Fine not exceeding 5 penalty units.

24 Washing, dismantling and repair of vehicle

- (1) Unless authorised by a permit to do so, a person must not in or on any Council land or recreational facility dismantle, paint, wash or repair a vehicle unless it is necessary to enable the vehicle to be moved from the Council land or recreational facility.

Penalty: Fine not exceeding 5 penalty units.

25 Safety gear

- (1) The Council may display signs in or near a specifically designed facility setting out appropriate safety gear that is to be worn by persons using a skateboard, in-line skates or scooter in or on that facility.

- (2) A person must comply with a direction displayed in a sign under sub-clause (1).

Penalty: Fine not exceeding 2 penalty units.

- (3) A person riding a bicycle in or on any Council land or recreational facility must wear an approved bicycle helmet as required by and defined in the *Road Rules 2019*.

Penalty: Fine not exceeding 2 penalty units.

26 Animals in Council land or recreational facility

- (1) Unless authorised by a permit to do so, a person must not permit or allow any horse or livestock to be in, graze or stray onto or into any Council land or recreational facility.

Penalty: Fine not exceeding 5 penalty units.

Division 4 - Public Order**27 Peaceable use of Council land or recreational facility**

- (1) A person in or on any Council land or recreational facility must not do any act or thing which interferes, or is likely to interfere, with the reasonable peaceable use by the public of that Council land or recreational facility.

Penalty: Fine not exceeding 5 penalty units.

*Parks, Recreation and Natural Areas By-Law 2021***28 Signs and handbills**

- (1) Unless authorised by a permit to do so, a person must not erect, exhibit, or display a notice, sign, or electoral sign on or in any Council land or recreational facility.

Penalty: Fine not exceeding 5 penalty units.

- (2) Unless authorised by a permit to do so, a person must not adhere, display, give out, distribute, scatter or throw down a sign, handbill, sticker, notice, placard, advertisement, book, paper or pamphlet on or in any Council land or recreational facility.

Penalty: Fine not exceeding 5 penalty units.

29 Conduct of certain activities

- (1) Unless authorised to do so by a permit or user agreement, a person must not conduct any amusement or entertainment for financial reward in or on any Council land or recreational facility.

Penalty: Fine not exceeding 5 penalty units.

- (2) Unless authorised to do so by a permit or user agreement, a person must not organise or participate in a meeting, or similar activity on or in Council land or recreational facility.

Penalty: Fine not exceeding 5 penalty units.

- (3) Unless authorised to do so by a permit or user agreement, a person must not conduct, arrange, or participate in an event in or on any Council land or recreational facility.

Penalty: Fine not exceeding 5 penalty units.

- (4) Unless authorised to do so by a permit or user agreement, a person must not take up a collection of money in or on any Council land or recreational facility.

Penalty: Fine not exceeding 5 penalty units.

- (5) Sub-clause (4) does not apply to a person acting on behalf of an organisation if that person or organisation is approved for soliciting under the *Collections for Charities Act 2001*.

30 Organised Sports

- (1) Unless authorised to do so by a permit or user agreement, a person must not organise, administer or operate any organised sport, contest, training or game or organised recreational activity on or in any Council land or recreational facility.

Penalty: Fine not exceeding 5 penalty units.

- (2) A person must not enter onto a recreation ground while an organised sport, contest, training or game or organised recreational activity is in progress without permission from the organiser of the sport, contest, training or game or organised recreational activity, the permit holder or hirer of that recreation ground, the Council, or an authorised officer.

Penalty: Fine not exceeding 15 penalty units.

- (3) A person must not play or practice golf or allow any person to play or practice golf in or on any Council land or recreational facility except where the Council land or recreational facility has been designated by the Council for that purpose.

Penalty: Fine not exceeding 5 penalty units.

*Parks, Recreation and Natural Areas By-Law 2021***31 Loitering**

- (1) A person must not loiter in a change room or toilet in or on any Council land or recreational facility.

Penalty: Fine not exceeding 10 penalty units.

32 Sale of intoxicating liquor

- (1) Unless authorised by a permit or user agreement to do so, a person must not sell liquor to any person in or on any Council land or recreational facility.

Penalty: Fine not exceeding 10 penalty units.

33 Sale of goods, chattels or property

- (1) Unless authorised to do so by a permit or user agreement, a person must not set up a stall, sell or offer for sale any goods, chattels or property in or on any Council land or recreational facility.

Penalty: Fine not exceeding 5 penalty units.

34 Leasing

- (1) Unless authorised to do so by a permit or user agreement, a person must not let or hire any goods, chattels or property in or on any Council land or recreational facility.

Penalty: Fine not exceeding 5 penalty units.

Division 5 - Health**35 Camping**

- (1) Unless authorised by a permit to do so, a person must not camp or set up any caravan in or on any Council land or recreational facility except in an area designated for that purpose and if any applicable fee is paid.

Penalty: Fine not exceeding 10 penalty units.

36 Pollution of Council land or a recreational facility

- (1) A person must not urinate or defecate on or in any Council land or recreational facility except in a place provided for that purpose.

Penalty: Fine not exceeding 10 penalty units.

37 Deposit or discharge noxious matter

- (1) A person must not deposit the dead body or part of the dead body of an animal on or in any Council land or recreational facility.

Penalty: Fine not exceeding 20 penalty units.

- (2) A person must not deposit, discharge or leave any faecal matter, offal, filth or other noxious or polluting matter or thing, on or in any Council land or recreational facility.

Penalty: Fine not exceeding 20 penalty units.

*Parks, Recreation and Natural Areas By-Law 2021***38 Syringes and sharps**

- (1) A person must not place, leave or drop any used or unused syringe or sharps in or on any Council land or recreational facility unless in facilities provided for that purpose.

Penalty: Fine not exceeding 20 penalty units.

Division 6 - General and Miscellaneous Provisions**39 Power to stop vehicles**

- (1) An authorised officer may require the driver of a vehicle in or on any Council land or recreational facility to stop the vehicle if the authorised officer believes on reasonable grounds that the driver or an occupant of the vehicle has committed an offence under this By-law.
- (2) The driver of a vehicle must stop the vehicle when required by an authorised officer to do so under sub-clause (1).

Penalty: Fine not exceeding 5 penalty units.

*Parks, Recreation and Natural Areas By-Law 2021***PART 4 – PERMITS****40 Granting permits**

- (1) A permit may be granted for any purpose under this By-law by:
 - (a) the General Manager; or
 - (b) any electronic method authorised by the General Manager, including via the Council's website or any application operated by or on behalf of the Council.

41 Applications for a Permit

- (1) Any application for a permit pursuant to this By-law must:
 - (a) be made in writing and in accordance with any form approved by the General Manager;
 - (b) be accompanied by the relevant prescribed fee per application, if any, specified in Schedule 2 to this By-law;
 - (c) where applicable, must be accompanied by the following:
 - (i) a statement in writing of the type and nature of the activity proposed to be undertaken by the applicant and the period of time within which it is proposed to be carried out;
 - (ii) a scaled drawing showing the location and extent of the proposed occupation or activity;
 - (iii) a safety management plan or a description of any necessary safety measures that are appropriate for the proposed activity;
 - (iv) evidence of current public liability insurance or other relevant insurance; and
 - (v) such other information as the General Manager may reasonably require.

42 Factors to be considered when granting a permit

- (1) In deciding whether or not to grant a permit pursuant to this Part the General Manager may have regard to the following and any other relevant matter:
 - (a) the potential for damage to Council infrastructure;
 - (b) public amenity and safety;
 - (c) public access in the area;
 - (d) the maintenance of public order in the area;
 - (e) the potential for and extent of any environmental harm;
 - (f) the movement of traffic in the area;
 - (g) the manner of any proposed sign or advertising;
 - (h) the nature, size, shape, extent and location of any proposed building or structure;
 - (i) the availability of suitable parking for motor vehicles in the area;
 - (j) representations made by a police officer;
 - (k) any other relevant matters.

*Parks, Recreation and Natural Areas By-Law 2021***43 Conditions of permit or approval**

- (1) A permit granted under this By-law must be in writing and may be granted on such terms and conditions as the General Manager considers appropriate. Those conditions may include:
 - (a) a restriction on the type of activity;
 - (b) a restriction on the period in which the activity may be carried out;
 - (c) the precautions to be observed while the activity is being carried out;
 - (d) the requirement for supervision or control of the activity;
 - (e) the record to be kept or notification to be given in relation to the any activity carried out pursuant to the permit;
 - (f) the permit is not transferable or assignable, and may not be relied upon, by another person without the written approval of the General Manager;
 - (g) the requirement to obtain and hold public liability insurance or other relevant insurance;
 - (h) the payment of a bond to cover any damage to Council property or any cleaning required, or the provision of an indemnity to Council for any other loss or damage; and
 - (i) the acceptance of responsibility for any damage to or loss of Council property as a result of the activity.
- (2) The holder of a permit granted pursuant to this By-law must comply with the terms and conditions of the permit.
Penalty: A fine not exceeding 5 penalty units.

44 Bond and deposit

- (1) The General Manager may, as a condition of a permit, require a person to pay a bond or provide a bank guarantee on such terms as the General Manager may determine to provide security against any reasonable costs which the Council may incur as a result of a failure of a person to comply with the obligations or requirements of a permit.
- (2) The General Manager may determine that if a permit holder defaults on carrying out any obligations or requirements of a permit, all or part of the bond or bank guarantee provided in accordance with sub-clause (1) may be retained by the Council to meet the costs incurred by the Council to carry out those obligations or requirements.
- (3) Monies deposited with the Council in accordance with this clause or the balance of the monies is to be forwarded to the person following final inspection and approval by the General Manager of the obligations or requirements of the permit.
- (4) The Council may recover in a court of competent jurisdiction from the permit holder any expenses incurred by it in the carrying out of the obligations or requirements of a permit, less the amount of the bond paid by the permit holder for that purpose, if any, as a debt due to it.

45 Permits generally

- (1) Every permit issued pursuant to this By-law:
 - (a) must be in writing and may be in the form of a letter;
 - (b) must bear the date on which it was issued;

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- (c) remains in force for the period for which it was issued, unless it is cancelled, suspended, or surrendered;
- (d) must be carried by the permit holder at all times while undertaking the activity approved under the permit;
- (e) must be surrendered to the Council if it is cancelled or suspended or when it is due for renewal.

46 Production of a permit

- (1) A permit holder is to produce the permit immediately when requested to do so by a police officer or an authorised officer, and the holder of the Permit must answer all questions which are reasonably necessary to establish that the person holds a permit in good faith.

Penalty: Fine not exceeding 5 penalty units.

47 Variation of permit conditions

- (1) The conditions of any permit may be varied if the General Manager considers it is appropriate to do so.
- (2) If the conditions of any permit are varied pursuant to sub-clause (1), the General Manager must serve a notice in writing on the permit holder stating:
 - (a) the conditions of the permit that are varied; and
 - (b) the reason or reasons for the variation of the permit conditions.
- (3) The conditions of a permit will be varied from the date of service of the notice of the variation.

48 Cancellation of permits and user agreements

- (1) The General Manager may cancel or suspend a permit if satisfied that a permit holder:
 - (a) has breached a By-law of the Council;
 - (b) failed to comply with any condition of a permit;
 - (c) is convicted of any offence involving dishonesty; or
 - (d) is convicted of any offence involving a breach of public order.
- (2) If a permit is cancelled or suspended pursuant to sub-clause (1), the General Manager must serve a notice in writing on the permit holder stating:
 - (a) the permit is cancelled, or the permit is suspended including the length of the suspension; and
 - (b) the reason or reasons for the cancellation or suspension.
- (3) Cancellation or suspension of any permit is effective from the date of service of the notice on the permit holder or the date specified in the notice, whichever is the latter.
- (4) The General Manager may cancel or suspend a permit if this is required due to the exercise or intended exercise of any local government function, power, right or duty by the Council.
- (5) Notwithstanding, sub-clauses (2) and (3), the General Manager may cancel or suspend a permit by any communication conveyed to the permit holder or hirer by any means including notice by radio or television in emergency situations or in a situation considered appropriate by the General Manager.

*Parks, Recreation and Natural Areas By-Law 2021***49 Notice**

- (1) For the purposes of clauses 47(2) and 48(2) of this By-law, a notice may be served in any of the following ways:
 - (a) on the holder of the permit personally;
 - (b) by ordinary post to the last known address of the permit holder; or
 - (c) by notice being given in the public notice section of a newspaper circulating in the Kingborough municipal area.
- (2) The date of service of a notice will be:
 - (a) if the holder of the permit was served by ordinary post, 5 business days from the date the notice was posted; or
 - (b) if the notice was given in a newspaper, the date of the publication of that newspaper.

50 Assignment of permit

- (1) A permit must not be assigned and is not transferable to any person except with the written consent of the General Manager.

51 Competing applications

- (1) If there are competing applications for a permit pursuant to this By-law, the General Manager may determine which application for a permit is to be granted, if any.
- (2) The General Manager may determine that a prior or later application for a permit is to be granted in preference to any other application.

*Parks, Recreation and Natural Areas By-Law 2021***PART 5-ENFORCEMENT****52 Offences**

- (1) A person who contravenes or fails to comply with a provision of this By-law is guilty of an offence and is liable on conviction to a penalty as specified in this By-law in respect of that offence.

53 Prohibition from entering Council land or recreational facility

- (1) The General Manager may, by notice, prohibit a person who they reasonably believe is offending or has offended against this By-law from entering any Council land or recreational facility for such period of time as the General Manager determines.
- (2) A person who has been issued with a notice pursuant to sub-clause (1) must not enter upon that Council land or recreational facility for the period of time specified in the notice.

Penalty: Fine not exceeding 10 penalty units.

- (3) The General Manager may at any time withdraw a notice issued under sub-clause (1).

54 Supply of name and address

- (1) An authorised officer may require a person to give their name and address if the authorised officer reasonably believes that the person is offending or has offended against this By-law.
- (2) A person who fails or refuses to comply with a request to give their name and/or address is guilty of an offence.
Penalty: Fine not exceeding 5 penalty units.
- (3) A police officer making a request under sub-clause (1) may arrest a person who is on land owned by, or under the control of, the Council and whom the police officer reasonably believes is offending against sub-clause (1).

55 Abuse or obstruction of an authorised officer

- (1) A person must not obstruct, hinder, resist or use abusive language to an authorised officer while the authorised officer is acting in the course of their duties pursuant to this By-law.

Penalty: Fine not exceeding 10 penalty units.

56 Enforcement and removal of articles

- (1) An authorised officer may:
 - (a) refuse to admit a person to any Council land or recreational facility whom the authorised officer reasonably believes is offending or has committed an offence against this By-law;
 - (b) direct any person to leave any Council land or recreational facility whom the authorised officer reasonably believes is offending or has committed an offence against this By-law;
 - (c) remove any thing which is on any Council land or recreational facility without the approval of the Council;
 - (d) remove any person from any Council land or recreational facility whom the authorised officer reasonably believes is offending or has committed an offence against this By-law.

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- (2) A person who fails to comply with a direction under sub-clause (1)(b) is guilty of an offence.

Penalty: Fine not exceeding 5 penalty units.

57 Removed articles

- (1) An article which has been removed from any Council land or recreational facility pursuant to this By-law must be kept in a safe place until it has been claimed by the owner or a person on behalf of the owner or disposed of pursuant to this By-law.
- (2) If an article which has been removed from any Council land or recreational facility pursuant to this By-law is not claimed by the owner or person on behalf of the owner within 48 hours following its removal, an authorised officer is to give notice to the owner of the removal of the article.
- (3) A notice under sub-clause (2) is to give the following details:
- (a) a description of the article and any distinguishing features of it;
 - (b) the place from which it was removed;
 - (c) the date on which it was removed;
 - (d) the place from which the article may be claimed;
 - (e) the fees, costs or charges payable in respect of the removal, maintenance and storage of the article; and
 - (f) that if not claimed within 14 days that the article may be disposed of by the General Manager.
- (4) If the owner of the removed article cannot be ascertained or found, and if the General Manager is of the opinion that the value of the article warrants the cost of advertising, the General Manager is to publish on at least one occasion a notice containing the particulars specified in sub-clause (3) in a newspaper circulating in the municipal area.
- (5) If the owner of the article cannot be ascertained or found, no advertising is published in accordance with sub-clause (4), and the article is not claimed by the owner or by a person on behalf of the owner within 28 days after it has been removed, the article may be disposed of in accordance with clause 59(2).

58 Fees, costs and charges

- (1) The owner of any article removed pursuant to this By-law is liable to pay:
- (a) any fees, costs and charges specified in a notice issued pursuant to clause 57(2);
 - (b) any further fees, costs and charges incurred in the storage and further maintenance of the article once removed; and
 - (c) any fees, costs or charges incurred in the disposal of the article pursuant to clause 59.
- (2) Any unpaid fees, costs or charges are a debt due to the Council and may be recovered by the Council in a court of competent jurisdiction.
- (3) The Council may retain an article until any fees, costs or charges are paid.

59 Disposal of unclaimed articles

- (1) The Council may dispose of an article if:
- (a) the article is not claimed within 14 days of the service of a notice given under clause 57(2);

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- (b) any fees, costs or charges specified in a notice under clause 57(2) that have not been paid within 14 days of the service of that notice.
- (2) An article may be disposed of under clause 57(5) or 59(1):
 - (a) by tender or public auction following notification in a local newspaper circulating in the municipal area; or
 - (b) in such manner as the General Manager determines if:
 - (i) the General Manager is of the reasonable belief that the article has a value that does not warrant the costs of a tender or a public auction; or
 - (ii) no tender is received, or no bid is made at a public auction.
- (3) If an article is disposed of under this clause, the General Manager must notify the owner of the article as soon as possible if the owner can be ascertained or found by reasonable enquiries.
- (4) If the owner of the article is identified, then the proceeds obtained from the disposal or sale of the article must be paid to the owner, less any fees, costs or charges incurred by the Council in the removal, storage or disposal of the article.

60 Article required for prosecution

- (1) Where an article is required by the Council for the prosecution of an offence under this By-law, the article is to be released to the owner following the completion of the prosecution proceedings and on payment of any relevant fees, costs and charges unless otherwise directed by a court.
- (2) The Council may, in accordance with clause 59, dispose of an article required under sub-clause (1) which is not claimed by the owner, or in relation to which fees, costs and charges have not been paid, within 30 days of the completion of court proceedings.

61 Assistance of police officers

- (1) A police officer is authorised to:
 - (a) assist an authorised officer to carry out an action under this By-law;
 - (b) remove any person from a marine facility whom the police officer reasonably believes has committed or who is committing an offence under this By-law;
 - (c) remove any article which is on a marine facility without a permit or the approval of the Council; and
 - (d) arrest any person who is on a marine facility whom the police officer reasonably believes has committed or who is committing an offence under this By-law.

*Parks, Recreation and Natural Areas By-Law 2021***PART 6 – NOTICES AND DIRECTIONS****62 Notices and directions generally**

- (1) A notice given under this By-law is to be given in writing, which may be in the form of a letter, and is to be given in accordance with section 29AB(1)(a) of the *Acts Interpretation Act 1931*.
- (2) A direction given under this By-law may be given verbally or in writing and may be in the form of a letter.
- (3) Unless otherwise required by this By-law, a notice or direction given under this By-law may be subject to such conditions and requirements and allow such period for action as the General Manager or authorised officer, where applicable, may determine.
- (4) Unless otherwise specified in a notice or direction, a person to whom a notice or direction is given is to comply with the notice or direction at the cost of that person.
- (5) A notice or direction given under this By-law requiring a person to carry out or undertake action or work may direct that the action or work be:
 - (a) in or of such specified materials;
 - (b) carried out within a specified period of time;
 - (c) carried out in such a manner as the General Manager or authorised officer directs; or
 - (d) be done only by a person with the appropriate qualification.
- (6) The Council may require the person carrying out the work to pay to the Council, or enter into a bond for payment to the Council of, an amount it thinks fit to provide security against costs which it may incur as a result of the execution of the work.

63 Non-compliance with notice or direction

- (1) A person to whom a notice or direction has been given under this By-law must comply with that notice or direction and any conditions of that notice or direction and within the time period specified in the notice or direction.
Penalty: Fine not exceeding 10 penalty units.
- (2) The Council may undertake the work required to be carried out in a notice or direction given pursuant to this By-law if the person to whom a notice or direction is given fails to comply with the notice or the direction within the time specified in the notice or direction.
- (3) The Council may recover in a court of competent jurisdiction, its expenses in undertaking work under the notice issued or direction given pursuant to this By-law as a debt payable to it from the person who fails to comply with the notice or direction in addition to any penalty imposed under sub-clause (1) and this By-law.

*Parks, Recreation and Natural Areas By-Law 2021***PART 7 – MISCELLANEOUS****64 Referral to Council**

- (1) No provision of this By-law is to be construed as preventing the General Manager from referring any application for a permit to the Council.

65 Expenses incurred

- (1) The Council may rectify a breach of this By-law, including any damage to Council property, without ordering the offending person to undertake the rectification works.
- (2) In addition to a penalty imposed in relation to a failure to comply with or a contravention of this By-law, an expense or damages incurred by the Council as a result of the breach of this By-law, is recoverable by the Council as a debt payable by the person committing that breach.

66 Debt due

- (1) All monies payable to the Council under this By-law are a debt due to the Council and recoverable at law.

*Parks, Recreation and Natural Areas By-Law 2021***PART 8 – INFRINGEMENT NOTICES****67 Infringement notices**

- (1) In this clause:
 "specified offence" means an offence against a clause specified in Column 1 of Schedule 1.
- (2) An authorised officer may issue an infringement notice to a person in respect of a specified offence and the monetary penalty payable under the infringement notice for that offence is the applicable sum set out adjacent to the offence in Column 3 of Schedule 1 to this By-Law.
- (3) An authorised officer may:
 - (a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and
 - (b) issue one infringement notice in respect of more than one specified offence.
- (4) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.
- (5) In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.
- (6) A person who is served with an infringement notice must, within 28 days of the date of service, do one or more of the following:
 - (a) pay the monetary penalty in full to the General Manager;
 - (b) apply to the General Manager for withdrawal of the infringement notice;
 - (c) apply to the General Manager for a variation of payment conditions; or
 - (d) lodge with the General Manager a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.
- (7) If a person who has been served with an infringement notice fails to take one or more of the actions required by sub-clause (6) within the prescribed time, the infringement may be referred to the Director, Monetary Penalties Enforcement Service.

*Parks, Recreation and Natural Areas By-Law 2021***SCHEDULE 1 – INFRINGEMENT NOTICE OFFENCES**

Column 1 Clause	Column 2 General Description of Offence	Column 3 Penalty Units
4(3)	Fail to obey terms and conditions of notice	1
6(2)	Enter or remain on or in Council land/recreational facility closed to the public	1
7(1)	Charge admission to Council land/recreational facility	2
8(1)	Enter hired Council land/recreational facility unauthorised	2
8(2)	Remain on Council land/recreational facility without paying correct fee	2
9(1)	Damage vegetation on Council land/recreational facility	1
9(2)	Remove wood from Council land/recreational facility	1
10(1)	Planting of vegetation on Council land/recreational facility	2
11(1)	Possession of declared weed on Council land/recreational facility	1
12(1)	Remove materials from Council land/recreational facility	1
12(2)	Deposit materials on Council land/recreational facility	1
13(1)	Take wildlife or wildlife products from Council land/recreational facility	2
13(2)	Lay/set trap or lay poison on Council land/recreational facility	2
13(3)	Interfere with breeding/habitation of wildlife on Council land or recreational facility	2
13(4)	Intentionally disturb wildlife on Council land/recreational facility	2
14(1)	Make or mark route/track on Council land/recreational facility	1
14(2)	Erect cairn/memorial on Council land/recreational facility	1
15(1)	Light or maintain a fire on Council land/recreational facility	2
16(1)	Defacement of Council land / recreational facility	2
17(1)	Damage / removal / deface relics on Council land / recreational facility	4
18(1)	Place/leave/build a structure or obstruction on Council land/recreational facility	1
19(1)	Store, leave or abandon watercraft on Council land / recreational facility	1
20(1)	Fail to comply with direction or misuse children's play equipment in children's playground	1
21(1)	Creation of entrance to Council land/recreational facility	1
22(1)	Use of vehicles or riding horses on Council land/recreational facility	1
23(1)	Park outside designated parking area in Council land/recreational facility	1
24(1)	Wash/dismantle/repair vehicle in or on Council land/recreational facility	1
25(2)	Fail to wear safety gear as directed in or on Council land or recreational facility	1

Parks, Recreation and Natural Areas By-Law 2021

Column 1	Column 2	Column 3
Clause	General Description of Offence	Penalty Units
25(3)	Fail to wear helmet when riding bicycle in or on Council land or recreational facility	1
26(1)	Permit horse or livestock in Council land/recreational facility	1
27(1)	Unreasonably interfere with peaceable enjoyment of Council land or recreational facility	1
28(1)	Erect or display signage on Council land or recreational facility	1
28(2)	Distribute notices and pamphlets in or on Council land or recreational facility	1
29(1)	Conduct entertainment for financial reward in or on Council land or recreational facility	1
29(2)	Organise/participate in meeting in or on Council land or recreational facility	1
29(3)	Conduct, arrange or participate in an event	1
29(4)	Take up collection of money in or on Council land or recreational facility	1
30(1)	Participating in sport in or on Council land or recreational facility	1
30(2)	Enter onto recreation ground whilst sport being played	3
30(3)	Playing or practising golf outside designated area in or on Council land or recreational facility	1
31(1)	Loiter in change room or toilet in or on Council land or recreational facility	2
32(1)	Sale of liquor in or on Council land or recreational facility	2
33(1)	Sale of goods in or on Council land or recreational facility	1
34(1)	Let or hire goods in or on Council land or recreational facility	1
35(1)	Camping/set up caravan in or on Council land or recreational facility	2
36(1)	Urinate or defecate outside place provided in or on Council land or recreational facility	2
37(1)	Deposit carcass in or on Council land or recreational facility	4
37(2)	Deposit faecal or similar matter in or on Council land or recreational facility	4
38(1)	Place/leave/drop syringes/sharps outside facility provided in or on Council land or recreational facility	4
39(2)	Fail to stop vehicle when directed in or on Council land or recreational facility	1
43(2)	Compliance with terms and conditions of a permit	1
46(1)	Fail to produce permit if requested	1
53(2)	Enter land in breach of ban	2
54(2)	Fail to supply name and address	1
55(1)	Abuse or obstruction of an authorised officer	2
56(2)	Fail to comply with direction to leave Council land or recreational facility	1

Parks, Recreation and Natural Areas By-Law 2021

Column 1	Column 2	Column 3
Clause	General Description of Offence	Penalty Units
63(1)	Non-compliance with notice or direction	2

*Parks, Recreation and Natural Areas By-Law 2021***SCHEDULE 2 – PRESCRIBED FEES**

Column 1	Column 2	Column 3
Clause	Fee Name	Fee Units
6(2)	Enter closed Council land/recreational facility permit	25
7(1)	Charge admission permit	25
9(1)	Destroy/take vegetation permit	25
9(2)	Remove wood or timber permit	25
10(1)	Plant vegetation permit	25
11(1)	Possession of declared weed permit	25
12(1)	Material removal permit	25
12(2)	Deposit material permit	25
13(1)	Take wildlife or wildlife products permit	25
13(2)	Lay/set trap or lay poison permit	25
13(3)	Interfere with breeding/habitation of wildlife permit	25
13(4)	Disturbance of wildlife permit	25
14(1)	Make or mark route/track permit	25
14(2)	Erect cairn/memorial permit	25
15(1)	Light/maintain fire permit	25
16(1)	Write/mark etc/ permit	25
18(1)	Structure/plaques/obstruction permit	25
19(1)	Store watercraft permit	25
21(1)	Creation of entrance permit	25
22(1)	Use of vehicles/horses permit	25
23(1)	Parking on or in Council land/recreational facility permit	25
24(1)	Vehicle repair etc. permit	25
26(1)	Horse/livestock permit	25
28(1)	Signs/handbills permit	25
28(2)	Distribute notices/pamphlets permit	25
29(1)	Amusement or entertainment permit	25
29(2)	Meeting permit	25
29(3)	Event permit	25
29(4)	Collection of money permit	25
30(1)	Organised sport permit	25
32(1)	Sale of liquor permit	25
33(1)	Sale of goods permit	25
34(1)	Let or hire goods permit	25
35(1)	Camping permit	25

Parks, Recreation and Natural Areas By-Law 2021

Certified as being in accordance with the law by:

.....

Solicitor

Dated

Certified as being made in accordance with the *Local Government Act 1993*:

.....

General Manager

Dated

The Common Seal of Kingborough Council was hereunto affixed in the presence of:

.....

Mayor / Councillor

Dated

.....

General Manager

Dated

KINGBOROUGH COUNCIL
ROADS AND PARKING BY-LAW
BY-LAW NO. 4 OF 2021

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KINGBOROUGH COUNCIL

ROADS AND PARKING BY-LAW

BY-LAW NO. 4 OF 2021

This By-Law of the Kingborough Council is made under section 145 of the *Local Government Act 1993* for the purpose of regulating conduct on roads and parking areas in the Kingborough municipal area.

PART 1 – PRELIMINARY**1 Short title**

- (1) This By-law may be cited as the *Roads and Parking By-Law 2021*.

2 Application

- (1) This By-law applies to the municipal area of the Kingborough Council.
- (2) This By-law does not apply to a councillor or an employee of the Council or a contractor or agent of the Council where such person is carrying out activities on the road or highway in the course of their duties for and on behalf of the Council.

3 Interpretation

- (1) In this By-law:

“Act” means the *Local Government Act 1993*;

“article” means any vehicle, item or thing that can be removed pursuant to this By-law;

“authorised officer” means an employee of the Council authorised by the Council or the General Manager for the purposes of this By-law;

“Council” means the Kingborough Council;

“crossing” means that part of a road constructed in or over a footpath, kerb, gutter, drain, culvert, pavement or nature strip that is designed for or used as a means of access by vehicles, bicycles or trailers from a road to land;

“environmental harm” means as defined by the *Environmental Management and Pollution Control Act 1994*;

“event” means an assembly of people and includes a parade, performance, spectacle, entertainment, exhibition, rally, march, demonstration or other event which causes or is likely to cause people to assemble on a road or parking area or part of a road or parking area or for any purpose which excludes the public's normal use of that road or parking area;

“Fee unit” means the sum as prescribed under the provisions of the *Fee Unit Act 1997*;

“food truck” means any vehicle that is registered as a Mobile Food Premises within Tasmania under the *Food Act 2003*, that seeks to trade on a road or any Council land within the municipal area;

Roads and Parking By-Law 2021

"footpath" means that part of the road reservation so constructed as to facilitate the movement of pedestrians;

"furniture" includes chairs, tables, portable barriers, panels, umbrellas, screens, awnings, planter boxes, heaters or portable lighting, plus other chattels used in the preparation or service or consumption of food and drink;

"General Manager" means the General Manager appointed by the Council pursuant to section 61 of the Act;

"Highways Act" means the *Local Government (Highways) Act 1982*;

"material" includes stones, clay, earth, mud, soil, cement, concrete, glass, filth, dust, ashes, oil, liquid and animal droppings or other offensive or noxious substances;

"municipal area" means the area of land under the control of the Council and defined in section 16 of the Act;

"nature strip" means all that part of the road reservation not constructed for the movement of vehicles or pedestrians;

"occupy" includes:

- (a) the placement on a road, footpath or nature strip of any wares, goods, chattels, items, furniture, or structure to enable the service and/or sale of food or beverages;
- (b) the use of cranes, concrete pumps or any other special vehicle used for building work;
- (c) the fencing or division of any part of the road to exclude members of the public;
- (d) the placement of temporary traffic management infrastructure (including traffic signs, barriers, bollards and traffic cones) on a road; and
- (e) the placement of a skip bin.

"park" in relation to a vehicle, means to stop the vehicle or allow it to remain in a place where the driver or person in charge of the vehicle intends it to remain stationary, otherwise than:

- (a) because the stopping of traffic prevents movement; or
- (b) for so long only as is required to set down or take up passengers or goods without waiting;

"parking area" includes any area owned by the Council or under the delegated control of the Council and designated for the parking of vehicles and all buildings, equipment, signs, access ways, land, fences, chattels and structures used or connected in any way with the parking area, but does not include a road;

"parking space" means a space within a parking area or a space controlled by a voucher machine, indicated by lines or other marks on the ground or indicated by any other method, of sufficient clear space to accommodate a vehicle within that space;

"parking voucher" means a document issued by a voucher machine;

"penalty unit" means the amount of money set under the provisions of the *Penalty Units and Other Penalties Act 1987*;

"permit" means a permit granted under Part 4 of this By-law;

"permit holder" means a person who has obtained a permit from the Council for any purpose under this By-law;

"person" means an individual, corporation or other legal entity (other than the Crown);

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"premises" means a premises registered with the Council pursuant to the requirements of the *Public Health Act 1997* or the *Food Act 2003*;

"real estate directional sign" means a temporary, moveable or freestanding sign for directing persons to a real estate event;

"real estate event" means a real estate auction or scheduled public open house inspection;

"reserved parking area" means an area designated by the Council for long term parking;

"reserved parking space" means a parking space designated by the Council for long term parking;

"road" means:

- (a) any highway, local highway or country highway as defined under the Highways Act;
- (b) any part of a State Highway or subsidiary road within the meaning of the *Roads and Jetties Act 1935* for which the Council is responsible for maintaining and reconstruction of as a local authority pursuant to section 11 of that Act;
- (c) any highway or road which is wholly or partly maintained or maintainable by Council and shown on the map maintained by Council pursuant to section 208 of the *Local Government Act 1993*;
- (d) any other street, cul-de-sac, parking area or way in the municipal area which is wholly or partly maintained or maintainable by Council or under the control of the Council;
- (e) and includes a highway reservation, footpath or walkway, kerb and guttering, nature strip, pavement and earth surface drain;

"sale" includes to sell, agree to sell, offer or expose for sale, or keep in possession for sale;

"sign" means any board, sign, plaque or banner which in any way makes an announcement or is an advertisement which is not permanently attached to any building or other structure;

"skip bin" means a receptacle not owned by the Council or supplied by the Council to residents of the municipal area for depositing waste or refuse, particularly larger refuse often associated with building work or garden refuse;

"street rubbish bins" means rubbish bins installed by Council on the footpath or nature strip;

"street trading" means the selling or exposing or offering for sale of any article or the supplying or offering to supply of any service on a road for gain or reward, and includes the consumption of food and or beverages by customers seated in an area of the road external to the business providing and selling the food or beverages;

"street trading area" means that part of a road which has been approved by the General Manager as being an area within which street trading may be carried out by the issue of a permit;

"substance" means any concrete, lime concrete, asphaltic concrete, cement, cement mortar, lime mortar, tar, soil, sand, stone, paint, firewood, or other material;

"vehicle" means a vehicle as defined in section 3(1) of the *Vehicle and Traffic Act 1999*;

"voucher machine" is a device installed by or for Council that, on payment of an amount of money, issues a document or documents;

Roads and Parking By-Law 2021

- (a) bearing, with or without other words, words indicating that the holder is entitled to park a vehicle in a place specified on the parking voucher and the name of the corporation for which the document or documents is or are issued; and
 - (b) bearing an imprint indicating the date and time of issue;
- “works”* includes, but is not limited to:
- (a) opening or breaking up the soil or pavement of a road as well as any change to the natural or existing condition of a road for any purpose;
 - (b) making a drain leading to a road;
 - (c) putting or placing a pipe or making a drain leading into a sewer or drain or other services of the Council in or under a road;
 - (d) making an excavation, vault or cellar in or under a road;
 - (e) installing under a road, pipelines, pipe systems or other infrastructure required for the transmission, distribution or supply of natural gas or other gaseous fuels;
or
 - (f) erection of a hoarding or scaffolding for building or for any other purpose in or on a road.

*Roads and Parking By-Law 2021***PART 2 - ROADS****Division 1 – Work on Roads****4 Undertaking works on roads**

- (1) A person must not undertake works on or under a road unless:
 - (a) they have been issued a permit to do so; or
 - (b) they are otherwise entitled to do so pursuant to any Tasmanian or Commonwealth legislation.

Penalty: A fine not exceeding 20 penalty units and in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

- (2) The General Manager may give notice to a person who has contravened sub-clause (1) requiring that person to repair any damage caused to a road as a result of the contravention.
- (3) If a notice issued pursuant to sub-clause (2) is not complied with, the Council may carry out the works specified in the notice.
- (4) The Council may recover the costs incurred by carrying out the works in accordance with sub-clause (3) as a debt payable to it.

5 Application to carry out works within a road

- (1) A person must apply for a permit to carry out works within a road, including:
 - (a) the works specified in section 46(1) of the Highways Act; and
 - (b) the construction of a crossing.
- (2) An application for a permit to carry out works within a road must be accompanied by plans for those proposed works.

6 Compliance with permit to carry out works within a road

- (1) If a permit is granted to carry out works within a road, the works must be undertaken in accordance with the conditions of the permit.

Penalty: A fine not exceeding 5 penalty units.
- (2) The General Manager may give notice to a person who has contravened sub-clause (1) requiring that person to carry out further works within 28 days to remedy the breach of the condition of the permit.
- (3) If a notice issued pursuant to sub-clause (2) is not complied with, the Council may carry out the works specified in the notice.
- (4) The Council may recover the costs incurred by carrying out the works in accordance with sub-clause (3) as a debt payable to it.

*Roads and Parking By-Law 2021***Division 2 – Use of Roads****7 Occupation of road**

- (1) Unless authorised by a permit to do so, a person must not for any purpose hold or conduct an event on, place any obstruction on or enclose or occupy a road or part of a road.

Penalty: Fine not exceeding 5 penalty units.

- (2) A person may apply to the Council at any time under this By-law for a permit to occupy a portion of a road.

8 Roadside sales

- (1) Unless authorised by a permit to do so, a person must not park a vehicle or leave any other article on a road for the purpose of advertising or offering it for sale.

Penalty: Fine not exceeding 5 penalty units.

9 Materials and substances on the road

- (1) A person must not deposit, fall, drop or allow to flow, any material on a road without a permit.

Penalty: Fine not exceeding 5 penalty units.

- (2) Unless authorised by a permit to do so, a person must not use any road for placing or mixing any substance, or other material.

Penalty: Fine not exceeding 5 penalty units.

- (3) Unless authorised by a permit to do so, a person must not place any object on any road for the purposes of preventing or inhibiting parking.

Penalty: Fine not exceeding 5 penalty units.

- (4) An authorised officer may give a notice or direction to:

- (a) any person who is contravening or has contravened sub-clause (1), (2) or (3);
- (b) any person who drives a vehicle from which any material has flowed, fallen, dropped or been deposited from on a road;
- (c) any person who is the owner or occupier of any land from which the material has come.

- (5) A notice or direction issued pursuant to sub-clause (4) may require or direct that person to remove that material from the road or to undertake such works to the land to limit or prevent that material from flowing or falling onto or being dropped or deposited on the road.

- (6) If a notice or direction issued pursuant to sub-clause (4) is not complied with, the Council may carry out the works specified in the notice or direction.

- (7) The Council may recover the cost of carrying out the works in accordance with sub-clause (6) as a debt payable to it from the person who has contravened this clause.

10 Dismantling or repair of vehicles

- (1) Unless authorised by a permit to do so, a person must not dismantle, paint, or repair any vehicle on a road.

Penalty: Fine not exceeding 5 penalty units.

*Roads and Parking By-Law 2021***11 Parking on footpaths and nature strips**

- (1) Unless authorised by a permit to do so, a person must not park a vehicle, including a trailer, whether attached to a motor vehicle or not, wholly or partly on or over a footpath, kerb, gutter or nature strip.
Penalty: Fine not exceeding 3 penalty units.
- (2) Notwithstanding sub-clause (1), a person is permitted to park on a nature strip if the person is the owner or occupier of a property that is contiguous with the nature strip and the vehicle when stopped does not unreasonably obstruct other road users.
- (3) An authorised officer may give a notice or direction to a person who has contravened this clause requiring that person to remove the vehicle or trailer from the footpath, kerb, gutter or nature strip within a reasonable period of time.
- (4) If a person who has received a notice or direction under sub-clause (3) fails to comply with the notice or direction, the Council may remove the vehicle and recover the cost of doing so and its storage as a debt payable to it from the person who has contravened this clause.

12 Parking of caravans and trailers on roads

- (1) Unless authorised by a permit to do so, a person must not park a caravan or trailer that is not attached to a vehicle on a road.
Penalty: Fine not exceeding 3 penalty units.
- (2) An authorised officer may give a notice or direction to a person who has contravened sub-clause (1) requiring that person to remove the caravan or trailer from the road within a reasonable period of time.
- (3) If a person who has received a notice or direction under sub-clause (2) fails to comply with the notice or direction, the Council may remove the caravan or trailer and recover the cost of doing so, and its storage, as a debt payable to it from the person who contravened this clause.

13 Placement of objects on the road

- (1) Other than for the purpose of a scheduled waste, recycling or other collection by the Council or its agent, a person must not place rubbish, white goods, building materials or waste, skip bins, green waste, car wrecks, other disused items or shipping containers on a road without a permit.
Penalty: A fine not exceeding 5 penalty units.
- (2) An authorised officer may give a notice or direction to a person who has contravened sub-clause (1) requiring that person to remove any object from the road, or the Council may remove any object and recover the cost of doing so as a debt payable to it from the person who has contravened this clause.

Division 3 – Damage to Roads**14 Wheels of vehicles to be cleaned**

- (1) A person must not drive any vehicle or permit any vehicle to be driven into, over or on any road unless the wheels of that vehicle are first cleaned of any material adhering to those wheels.
Penalty: Fine not exceeding 3 penalty units.

*Roads and Parking By-Law 2021***15 Damage of a road**

- (1) A person must not cause damage to a road.
Penalty: Fine not exceeding 5 penalty units.
- (2) The General Manager may give notice in writing to a person who has contravened sub-clause (1) requiring that the person repair any damage occasioned to a road as a result of the contravention.
- (3) If a notice issued pursuant to sub-clause (2) is not complied with, the Council may carry out the works specified in the notice.
- (4) The Council may recover the costs incurred by carrying out the works in accordance with sub-clause (3) as a debt due to it.

16 Removal of vegetation

- (1) Unless authorised by a permit to do so, a person must not destroy, cut, pluck, remove, deface or injure any tree, shrub, flower or other vegetation growing on a road.
Penalty: Fine not exceeding 5 penalty units
- (2) The provisions of sub-clause (1) do not apply to an electricity entity under the *Electricity Supply Industry Act 1995* where permission is presumed by section 52(5) of that Act or a person acting in accordance with Council endorsed policy or guidelines.

17 Removal of materials

- (1) A person must not remove or take materials from a road without a permit.
Penalty: A fine not exceeding 5 penalty units.
- (2) This clause does not apply to the removal of material which has been deposited or dropped on a road in breach of this By-law.

Division 4 – Crossing of Footpaths, Gutters and Kerbs**18 Crossings**

- (1) A person must not construct or lay down a crossing without a permit.
Penalty: Fine not exceeding 5 penalty units.
- (2) The General Manager may give notice to the owner of any land which is contiguous to a road requiring that person to remove a crossing constructed without a permit or to repair a crossing.
- (3) If a notice issued pursuant to sub-clause (2) is not complied with, the Council may carry out the works specified in the notice.
- (4) The Council may recover the costs incurred in undertaking the works under this clause from the person committing the breach as a debt due to it.

19 Driving of vehicles over footpaths, kerbs and gutters

- (1) Unless authorised by a permit to do so, a person must not drive a vehicle or permit a vehicle to be driven over a footpath, kerb, gutter or nature strip of a road to or from any land or premises.
Penalty: Fine not exceeding 5 penalty units.

*Roads and Parking By-Law 2021***Division 5 – Signs****20 Signs on roads and footpaths**

- (1) Unless authorised by a permit to do so, a person must not place, erect, construct or display or cause to be placed, erected, constructed or displayed a sign on a road.
Penalty: Fine not exceeding 5 penalty units.
- (2) In considering an application for a permit under this clause, the General Manager will consider:
- (a) the dimensions and construction of the sign;
 - (b) whether the sign is to be placed on the area of the footpath which is contiguous with the boundary of the land owned or occupied by the person seeking to place the sign;
 - (c) whether more than one sign is appropriate where the land owned or occupied by the person seeking to place the sign is a corner site;
 - (d) whether the sign is located as close as practicable to the boundary of the land owned or occupied by the person seeking to place the sign, or whether some other location is more appropriate;
 - (e) whether the sign is to be removed during hours of darkness or when any business operating on the land is not open to the public; and
 - (f) whether the sign is secured to the satisfaction of the Council.
- (3) Sub-clause (1) does not apply to a real estate directional sign where it:
- (a) is displayed for a maximum period of two (2) hours prior to the real estate event and is removed within two (2) hours of the real estate event concluding;
 - (b) is not placed on a footpath, cross over, roundabout, median strip or traffic island;
 - (c) is no larger than 0.5m²;
 - (d) by its location does not obstruct traffic signals or signs;
 - (e) does not interfere with pedestrian or vehicle movements or sight lines;
 - (f) is one (1) of a maximum of four (4) real estate directional signs for any one (1) real estate event, with only one (1) real estate directional sign being placed at any one (1) intersection;
 - (g) is not fixed or secured to any tree, light pole, power pole, or other infrastructure; and
 - (h) is not illuminated or made of reflective materials.

Division 6 – Street Trading**21 Street trading without a permit**

- (1) Unless authorised by a permit to do so, a person must not engage in street trading on a road.
Penalty: Fine not exceeding 5 penalty units.

*Roads and Parking By-Law 2021***22 Permit for street trading**

- (1) A person may apply to the Council for a permit for the purpose of street trading within the road.
- (2) The General Manager may grant a permit to conduct street trading to a person on such terms and conditions as the General Manager thinks fit.
- (3) A permit may only authorise street trading on an area of the road immediately outside the land to which the permit relates, unless the written consent of an adjacent landowner is provided to the General Manager.
- (4) The General Manager may cancel a permit immediately if a permit holder breaches clause 24(1) of this By-law.

23 Carrying out of street trading

- (1) In addition to any specific condition imposed by a street trading permit issued pursuant to this By-law, a permit holder of a street trading permit must:
 - (a) ensure that the street trading area and the area immediately adjacent to it is clean, tidy and in a sanitary condition at all times;
 - (b) regularly empty waste bins of the permit holder within the street trading area;
 - (c) wash and cleanse the street trading area every day on which the street trading area is used;
 - (d) immediately clean and wash away any liquid, food, debris, broken glass or waste from the street trading area;
 - (e) not use existing street rubbish bins for the disposal of waste generated from the street trading activity;
 - (f) immediately remove all materials that might cause a pedestrian to slip or trip and keep the area between the street trading area and any premises free from obstacles.

Penalty: Fine not exceeding 3 penalty units.

24 Insurance

- (1) A permit holder of a street trading permit is to take out and maintain at all times public and products liability insurance for the minimum sum of \$20 million, be in a form acceptable to the General Manager and covers the street trading area for the period of the permit.

Penalty: Fine not exceeding 5 penalty units.

- (2) A permit holder of a street trading permit must produce the insurance policy required under sub-clause (1) or the relevant Certificate of Currency within 48 hours if requested by an authorised officer to do so.

Penalty: Fine not exceeding 5 penalty units.

- (3) The General Manager may cancel a street trading permit immediately if:
 - (a) a permit holder has refused to allow an authorised officer to view a relevant insurance policy or certificate of currency; or
 - (b) if the insurance cover lapses or ceases to cover the street trading area during the term of the permit.

Roads and Parking By-Law 2021

25 Food trucks

- (1) Unless authorised by a permit to do so a person must not trade or seek to trade on a road or Council land from a food truck.

Penalty: Fine not exceeding 5 penalty units.

- (2) Subclause (1) does not apply to a food truck trading in accordance with any other Council approved activity where the conditions of that activity allow.

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*Roads and Parking By-Law 2021***PART 3 – PARKING****26 Entry and exit of parking areas**

- (1) A person driving a vehicle must not enter or leave a parking area except by an access point designated by a Council sign.

Penalty: Fine not exceeding 5 penalty units.

27 Driving of vehicles in a parking area

- (1) A person must not drive a vehicle in a parking area at more than 20 kilometres per hour or at an unsafe speed.

Penalty: Fine not exceeding 5 penalty units

28 Parking of vehicles

- (1) A person must park a vehicle wholly within one parking space in a parking area and in a manner which does not obstruct the entry or exit of a vehicle to another parking space.

Penalty: Fine not exceeding 3 penalty units.

29 Payment of parking fee

- (1) A person must not park a vehicle in a parking area without payment of the fee required by the conditions of entry to that parking area, which conditions are indicated by signs displayed in the parking area.

Penalty: Fine not exceeding 3 penalty units.

30 Parking vouchers

- (1) A person must not park a vehicle in a parking area controlled by a voucher machine unless that person has clearly displayed on the driver's side of the vehicle's dashboard an unexpired parking voucher.

Penalty: Fine not exceeding 3 penalty units.

31 Parking longer than the maximum period

- (1) A person must not allow a vehicle to remain parked in a parking area for a longer period than is allowed by the conditions of entry to that parking area, which conditions are indicated by signs displayed in the parking area.

Penalty: Fine not exceeding 3 penalty units.

32 Reserved spaces

- (1) The General Manager may create reserved parking areas and parking spaces within a parking area.
- (2) A person must not park a vehicle in a parking space or parking area which is designated "Reserved" unless authorised to do so.

Penalty: Fine not exceeding 3 penalty units.

Roads and Parking By-Law 2021

33 Damage to Council property

- (1) A person must not mark, write on or in any other way deface Council property within any parking area.

Penalty: Fine not exceeding 5 penalty units.

34 Unauthorised removal of infringement notice

- (1) A person other than the registered owner or person in charge of the vehicle must not remove or cause to be removed any infringement notice affixed to that vehicle.

Penalty: Fine not exceeding 5 penalty units.

35 Washing, dismantling or repair of vehicles

- (1) A person must not dismantle, paint, wash or repair any vehicle in a parking area without the consent of the General Manager.

Penalty: Fine not exceeding 5 penalty units.

36 Use of skates and cycles

- (1) A person is not to ride a machine propelled by human power, which includes a skateboard, bicycle, scooter, in-line skates and roller skates, in a parking area during hours indicated by signs in that parking area.

Penalty: Fine not exceeding 3 penalty units

37 Obstruction

- (1) A person must not cause any obstruction to vehicular or pedestrian traffic in a parking area.

Penalty: Fine not exceeding 5 penalty units

38 Use of parking area for other purposes

- (1) The General Manager may grant a permit for a parking area to be used for any purpose and may impose conditions on that permit.

*Roads and Parking By-Law 2021***PART 4 – PERMITS****39 Granting permits**

- (1) A permit may be granted for any purpose under this By-law by:
- (a) the General Manager in writing; or
 - (b) any electronic method authorised by the General Manager, including via the Council's website or any application operated by or on behalf of the Council.

40 Applications

- (1) Any application for a permit pursuant to this By-law must:
- (a) be made in writing and in accordance with any form approved by the General Manager;
 - (b) be accompanied by the relevant prescribed fee per application, if any, specified in Schedule 2 to this By-law; and
 - (c) where applicable, must be accompanied by the following:
 - (i) a statement in writing of the type and nature of the activity proposed to be undertaken by the applicant and the period of time within which it is proposed to be carried out;
 - (ii) a scaled drawing showing the location and extent of the proposed occupation or activity;
 - (iii) a safety management plan or a description of any necessary safety measures that are appropriate for the proposed activity;
 - (iv) evidence of current public liability insurance or other relevant insurance; and
 - (v) such other information as the General Manager may reasonably require.

41 Factors to be considered when granting a permit

- (1) In deciding whether or not to grant a permit pursuant to this Part the General Manager may have regard to the following:
- (a) the potential for damage to Council infrastructure;
 - (b) public amenity and safety;
 - (c) public access in the area;
 - (d) the maintenance of public order in the area;
 - (e) the potential for and extent of any environmental harm;
 - (f) the movement of traffic in the area;
 - (g) the manner of any proposed sign or advertising;
 - (h) the nature, size, shape, extent and location of any proposed building or structure;
 - (i) the availability of suitable parking for motor vehicles in the area;
 - (j) representations made by a commissioned police officer;
 - (k) any other relevant matters.

*Roads and Parking By-Law 2021***42 Conditions of a permit**

- (1) A permit granted under this By-law must be in writing and may be granted on such terms and conditions as the General Manager considers appropriate. Those conditions may include:
 - (a) a restriction on the type of activity;
 - (b) a restriction on the period in which the activity may be carried out;
 - (c) the precautions to be observed while the activity is being carried out;
 - (d) the requirement for supervision or control of the activity;
 - (e) the record to be kept or notification to be given in relation to any activity carried out pursuant to the permit;
 - (f) the permit is not transferable or assignable, and may not be relied upon, by another person without the written approval of the General Manager;
 - (g) the requirement to obtain and hold public liability insurance or other relevant insurance;
 - (h) the payment of a bond to cover any damage to Council property or any cleaning required, or the provision of an indemnity to Council for any other loss or damage; and
 - (i) the acceptance of responsibility for any damage to or loss of Council property as a result of the activity.
- (2) The holder of a permit granted pursuant to this By-law must comply with the terms and conditions of the permit.

Penalty: A fine not exceeding 5 penalty units.

43 Bond and deposit

- (1) The General Manager may, as a condition of a permit, require a person to pay a bond or provide a bank guarantee on such terms as the General Manager may determine to provide security against any reasonable costs which the Council may incur as a result of a failure of a person to comply with the obligations or requirements of a permit.
- (2) The General Manager may determine that if a permit holder defaults on carrying out any obligations or requirements of a permit, all or part of the bond or bank guarantee provided in accordance with sub-clause (1) may be retained by the Council to meet the costs incurred by the Council to carry out those obligations or requirements.
- (3) Monies deposited with the Council in accordance with this clause or the balance of the monies is to be forwarded to the person following final inspection and approval by the General Manager of the obligations or requirements of the permit.
- (4) The Council may recover in a court of competent jurisdiction from the permit holder any expenses incurred by it in the carrying out of the obligations or requirements of a permit, less the amount of the bond paid by the permit holder for that purpose, if any, as a debt due to it.

44 Permits generally

- (1) Every permit issued pursuant to this By-law:
 - (a) must be in writing and may be in the form of a letter;
 - (b) must bear the date on which it was issued;

Roads and Parking By-Law 2021

- (c) remains in force for the period for which it was issued, unless it is cancelled or surrendered;
- (d) must be carried by the permit holder at all times while undertaking the activity approved under the permit; and
- (e) must be surrendered to the Council if it is cancelled or when it is due for renewal.

45 Production of a permit

- (1) A permit holder is to produce the Permit immediately when requested to do so by a police officer or an officer of the Council, and the holder of the permit must answer all questions which are reasonably necessary to establish that the person holds a permit in good faith.

Penalty: Fine not exceeding 5 penalty units.

46 Variation of permit conditions

- (1) The conditions of any permit may be varied if the General Manager considers it is appropriate to do so.
- (2) If the conditions of any permit are varied pursuant to sub-clause (1), the General Manager must serve a notice in writing on the permit holder stating:
 - (a) the conditions of the permit that are varied; and
 - (b) the reason or reasons for the variation of the permit conditions.
- (3) The conditions of a permit will be varied from the date of service of the notice of the variation.

47 Cancellation and suspension of permits

- (1) The General Manager may cancel a permit if satisfied that a permit holder:
 - (a) has breached a By-law of the Council;
 - (b) failed to comply with a condition of a permit.
 - (c) is convicted of any offence involving dishonesty; or
 - (d) is convicted of any offence involving a breach of public order.
- (2) If a permit is cancelled or suspended pursuant to sub-clause (1), the General Manager must serve a notice in writing on the permit holder stating:
 - (a) the permit is cancelled, or the permit is suspended including the length of the suspension; and
 - (b) the reason or reasons for the cancellation or suspension.
- (3) Cancellation or suspension of any permit is effective from the date of service of the notice on the permit holder or the date specified in the notice whichever is the later.
- (4) The General Manager may cancel or suspend a permit if this is required due to the exercise or intended exercise of any local government function, power, right or duty by the Council.
- (5) Notwithstanding, sub-clauses (2) and (3), the Council may cancel or suspend a permit by any communication conveyed to the permit holder by any means including notice by radio or television in emergency situations or in a situation considered appropriate by the General Manager.

*Roads and Parking By-Law 2021***48 Notice**

- (1) For the purposes of clauses 46(2) and 47(2) of this By-law, a notice may be served in any of the following ways:
 - (a) on the holder of the permit personally;
 - (b) by ordinary post to the last known address of the permit holder; or
 - (c) by notice being given in the public notice section of a newspaper circulating in the Kingborough municipal area.
- (2) The date of service of a notice will be:
 - (a) if the holder of the permit was served by ordinary post, 5 business days from the date the notice was posted; or
 - (b) if the notice was given in a newspaper, the date of the publication of that newspaper.

49 Assignment of permit

- (1) A permit must not be assigned and is not transferable to any person except with the written consent of the General Manager.

50 Competing applications

- (1) If there are competing applications for a permit pursuant to this By-law, the General Manager may determine which application for a permit is to be granted, if any.
- (2) The General Manager may determine that a prior or later application for a permit is to be granted in preference to any other application.

*Roads and Parking By-Law 2021***PART 5 – ENFORCEMENT****51 Offences**

- (1) A person who contravenes or fails to comply with a provision of this By-law is guilty of an offence and is liable on conviction to a penalty as specified in this By-law in respect of that offence.

52 Supply of name and address

- (1) An authorised officer may require a person to give their name and address if the authorised officer reasonably believes that the person is offending or has offended against this By-law.
- (2) A person who fails or refuses to comply with a request to give their name and/or address is guilty of an offence.

Penalty: Fine not exceeding 5 penalty units.

53 Abuse or obstruction of an authorised officer

- (1) A person must not obstruct, hinder, resist or use abusive language to an authorised officer in while the authorised officer is acting in the course of their duties pursuant to this By-law.

Penalty: Fine not exceeding 10 penalty units.

54 Enforcement and removal of articles

- (1) An authorised officer may:
- (a) direct any person to leave a road or parking area whom the authorised officer reasonably believes is offending or has committed an offence against this By-law;
 - (b) remove any thing which is on a road or parking area without a permit or the approval of the Council;
 - (c) remove any person from a road or parking area whom the authorised officer reasonably believes is offending or has committed an offence against this By-law.
- (2) A person who fails to comply with a direction under 54(1)(a) is guilty of an offence.

Penalty: Fine not exceeding 5 penalty units.

55 Removed articles

- (1) An article which has been removed from any road or parking area pursuant to this By-law must be kept in a safe place until it has been claimed by the owner or a person on behalf of the owner or disposed of pursuant to this By-law.
- (2) If an article which has been removed from a road or parking area pursuant to this by-law is not claimed by the owner or person on behalf of the owner within 48 hours following its removal, an authorised officer is to give notice to the owner of the removal of the article.
- (3) A notice under sub-clause (2) is to give the following details:
- (a) a description of the article and any distinguishing features;
 - (b) the place from where it was removed;

Roads and Parking By-Law 2021

- (c) the date on which it was removed;
 - (d) the place from which the article may be claimed;
 - (e) the fees, costs or charges payable in respect of the removal, maintenance and storage of the article;
 - (f) that if not claimed within 14 days that the article may be disposed of by the General Manager.
- (4) If the owner of the removed article cannot be ascertained or found, and if the General Manager is of the opinion that the value of the article warrants the cost of advertising, the General Manager is to publish on at least one occasion a notice containing the particulars specified in sub-clause (3) in a newspaper circulating in the municipal area.
- (5) If the owner of the article cannot be ascertained or found, no advertising is published in accordance with sub-clause (4), and the article is not claimed by the owner or by a person on behalf of the owner within 28 days after it has been removed, the article may be disposed of in accordance with clause 57(2).

56 Fees costs and charges

- (1) The owner of any article removed pursuant to this By-law is liable to pay:
- (a) any fees, costs and charges specified in a notice issued pursuant to clause 55(2);
 - (b) any further fees incurred in the storage and further maintenance of the article once removed;
 - (c) any fees, costs or charges incurred in the disposal of the article pursuant to clause 57.
- (2) Any unpaid fees, costs or charges are a debt due to the Council and may be recovered by the Council in a court of competent jurisdiction.
- (3) The Council may retain an article until any fees, costs or charges are paid.

57 Disposal of unclaimed articles

- (1) The Council may dispose of an article if:
- (a) the article is not claimed within 14 days of the service of a notice under clause 55(2);
 - (b) any fees, costs or charges specified in a notice under clause 55(2) that have not been paid within 14 days of the service of that notice.
- (2) An article may be disposed of under clause 55(5) or 57(1):
- (a) by tender or public auction following notification in a local newspaper circulating in the municipal area; or
 - (b) in a manner as the General Manager determines if:
 - (i) the General Manager is of the opinion that the article has a value that does not warrant the costs of a tender or a public auction; or
 - (ii) no tender is received, or no bid is made at a public auction.
- (3) If an article is disposed of under this clause, the General Manager must notify the owner of the article as soon as possible if the owner can be ascertained or found by reasonable enquiries.

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- (4) If the owner of the article is identified, then the proceeds obtained from the disposal or sale of the article must be paid to the owner, less any fees, costs or charges incurred by the Council in the removal, storage or disposal of the article.

58 Article required for prosecution

- (1) Where an article is required by the Council for the prosecution of an offence under this By-law, the article is to be released to the owner following the completion of the prosecution proceedings and on payment of any relevant fees, costs and charges unless otherwise directed by a court.
- (2) The Council may, in accordance with clause 57, dispose of an article required under subclause (1) which is not claimed by the owner or in relation to which fees, costs or charges have not been paid within 30 days of the completion of court proceedings.

59 Assistance of police officers

- (1) A police officer is authorised to:
 - (a) assist an authorised officer to carry out an action under this By-law;
 - (b) remove any person from a road or parking area whom the police officer reasonably believes has committed or who is committing an offence under this By-law;
 - (c) remove any article which is on a road or parking area without a permit or the approval of the Council; and
 - (d) arrest any person who is on a road or parking area whom the police officer reasonably believes has committed or who is committing an offence under this By-law.

*Roads and Parking By-Law 2021***PART 6 – NOTICES AND DIRECTIONS****60 Notices and directions generally**

- (1) A notice given under this By-law is to be given in writing, which may be in the form of a letter, and is to be given in accordance with section 29AB(1)(a) of the *Acts Interpretation Act 1931*.
- (2) A direction given under this By-law may be given verbally or in writing and may be in the form of a letter.
- (3) Unless otherwise required by this By-law, a notice or direction given under this By-law may be subject to such conditions and requirements and allow such period for action as the General Manager or authorised officer may determine.
- (4) Unless otherwise specified in a notice or direction, a person to whom a notice or direction is given is to comply with the notice or direction at the cost of that person.
- (5) A notice or direction given under this By-law requiring a person to carry out or undertake action or work may direct that the action or work be:
 - (a) in or of such specified materials;
 - (b) carried out within a specified period of time;
 - (c) carried out in such a manner as the General Manager or authorised officer directs; or
 - (d) be done only by a person with the appropriate qualification.
- (6) The Council may require the person carrying out the work to pay the Council, or enter into a bond for payment to the Council of an amount it thinks fit to provide security against costs which it may incur as a result of the execution of the work.

61 Non-compliance with notice or direction

- (1) A person to whom a notice or direction has been given under this By-law must comply with that notice or direction and any conditions of that notice or direction and within the time period specified in the notice or direction.
Penalty: Fine not exceeding 10 penalty units.
- (2) The Council may undertake the work required to be carried out in a notice or direction given pursuant to this By-law if the person to whom a notice or direction is given fails to comply with the notice or the direction within the time specified in the notice or direction.
- (3) The Council may recover in a court of competent jurisdiction, its expenses in undertaking work under the notice issued or direction given pursuant to this By-law as a debt payable to it from the person who fails to comply with the notice or direction in addition to any penalty imposed under sub-clause (1) and this By-law.

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PART 7 – MISCELLANEOUS

62 Referral to Council

- (1) No provision of this By-law is to be construed as preventing the General Manager from referring any application for a permit to the Council.

63 Expenses incurred

- (1) The Council may rectify a breach of this By-law, including any damage to Council property, without ordering the offending person to undertake the rectification works.
- (2) In addition to a penalty imposed in relation to a failure to comply with or a contravention of this By-law, an expense or damages incurred by the Council as a result of the breach of this By-law, is recoverable by the Council as a debt payable by the person committing that breach.

64 Debt due

- (1) All monies payable to the Council under this By-law are a debt due to the Council and recoverable at law.

*Roads and Parking By-Law 2021***PART 8 – INFRINGEMENT NOTICES****65 Infringement notices**

- (1) In this clause:
"specified offence" means an offence against a clause specified in Column 1 of Schedule 1.
- (2) An authorised officer may issue an infringement notice to a person in respect of a specified offence and the monetary penalty payable under the infringement notice for that offence is the applicable sum set out adjacent to the offence in Column 3 of Schedule 1 to this By-law.
- (3) An authorised officer may:
 - (a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and
 - (b) issue one infringement notice in respect of more than one specified offence.
- (4) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.
- (5) In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.
- (6) A person who is served with an infringement notice must, within 28 days of the date of service, do one or more of the following:
 - (a) pay the monetary penalty in full to the General Manager;
 - (b) apply to the General Manager for withdrawal of the infringement notice;
 - (c) apply to the General Manager for a variation of payment conditions; or
 - (d) lodge with the General Manager a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.
- (7) If a person who has been served with an infringement notice fails to take one or more of the actions required by sub-clause (6) within the prescribed time, the infringement may be referred to the Director, Monetary Penalties Enforcement Service.

*Roads and Parking By-Law 2021***SCHEDULE 1 – INFRINGEMENT NOTICE OFFENCES**

Column 1	Column 2	Column 3
Clause	General Description of Offence	Penalty Units
4(1)	Undertake works on roads	4
6(1)	Works not undertaken in accordance with permit	1
7(1)	Conduct event/obstruct/enclose or occupy a road	1
8(1)	Article on road for sale	1
9(1)	Deposit material on road	1
9(2)	Place/mix material on road	1
9(3)	Inhibit parking on road	1
10(1)	Dismantling and repairing vehicles on road	1
11(1)	Parking on footpaths and nature strips	1
12(1)	Parking of caravan or trailer on road	.5
13(1)	Place object on road	1
14(1)	Wheels of vehicles to be cleaned	.5
15(1)	Cause damage to road	1
16(1)	Removal of vegetation	1
17(1)	Removal of materials	1
18(1)	Construct or lay down a crossing	1
19(1)	Drive vehicle or permit vehicle to be driven over footpath, kerb, gutter or nature strip	1
20(1)	Sign on road or footpath	1
21(1)	Street trading on a road	1
23(1)	Carrying out street trading	.5
24(1)	Permit holder insurance	1
24(2)	Production of insurance or Certificate of Currency	1
25(1)	Unauthorised trading of food truck	1
26(1)	Enter or leave parking area by designated access	1
27(1)	Speeding in parking area	1
28(1)	Parking of vehicle within parking space	.5
29(1)	Payment of parking fee	.5
30(1)	Display of parking voucher	.5
31(1)	Parking longer than the maximum period	.5
32(2)	Parking in a reserved parking space	.5
33(1)	Damaging Council property in a parking area	1

Roads and Parking By-Law 2021

Column 1	Column 2	Column 3
Clause	General Description of Offence	Penalty Units
34(1)	Unauthorised removal of infringement notice	1
35(1)	Washing, dismantling or repair of vehicle in parking area	1
36(1)	Use of skates and cycles during prohibited times	.5
37(1)	Obstructing vehicles and foot traffic in parking area	1
42(2)	Fail to comply with permit condition	1
45(1)	Fail to produce permit	1
52(2)	Fail to provide name and address	1
53(1)	Abuse or obstruct an authorised officer	2
54(2)	Fail to comply with direction to leave land	1
61(1)	Non-compliance with notice or direction	2

*Roads and Parking By-Law 2021***SCHEDULE 2 – PRESCRIBED FEES**

Column 1	Column 2	Column 3
Clause	Fee Name	Fee Units
5(1)	Works permit	210
7(1)	Occupation of road permit	210
8(1)	Roadside sales permit	25/m ²
9(1)	Deposit material on road permit	25
9(2)	Placing/mixing material on road permit	25
9(3)	Inhibiting parking permit	25
10(1)	Dismantling or repairing vehicle permit	25
11(1)	Parking on footpaths and nature strips permit	25
12(1)	Parking of caravans and trailers on road permit	25
13(1)	Object on road permit	50
16(1)	Removal of vegetation permit	25
17(1)	Removal of materials permit	25
18(1)	Crossing permit	160
19(1)	Driving over footpath, kerb, gutter etc. Permit	25
20(1)	Sign permit	25
21(1)	Street trading permit	25/m ²
25(1)	Food truck permit	723
38(1)	Use of parking area for other purpose permit	25

Roads and Parking By-Law 2021

Certified as being in accordance with the law by:

.....

Solicitor

Dated

Certified as being made in accordance with the *Local Government Act 1993*:

.....

General Manager

Dated

The Common Seal of Kingborough Council was hereunto affixed in the presence of:

.....

Mayor / Councillor

Dated

.....

General Manager

Dated



MARINE FACILITIES BY-LAW

REGULATORY IMPACT STATEMENT

By-law No.1 of 2021

A By-law to regulate and control activities associated with marine facilities under Kingborough Council management.

Contents

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*Marine Facilities By-Law 2021
Regulatory Impact Statement*

1 Purpose and process of Regulatory Impact Statement

When a Council seeks to make a new or significant By-law amendment, the *Local Government Act 1993*, requires that a Regulatory Impact Statement (RIS) be prepared.

The preparation of an RIS requires Council to analyse the most efficient and effective options available to address a particular issue. The RIS is also required to identify whether the benefits provided by the new By-law outweigh the costs of any restrictions on competition or the potential adverse impacts on business. This requires an assessment of direct and indirect social, economic and environmental impacts of the proposed By-law and the alternatives considered.

The *Local Government Act 1993*, under Section 156A, requires that, once the RIS has been prepared, Council must submit it to the Director of Local Government, Department of Premier and Cabinet for assessment. If the Director is satisfied that the RIS meets the statutory requirements, they will issue a certificate to that effect and Council may then commence the public consultation process.

Pursuant to Section 158 of the *Local Government Act 1993*, copies of the By-law and the RIS are available by contacting Council by any of the following means:

Telephone: 6211 8200
Fax: 6211 8211
E-mail: kc@kingborough.tas.gov.au
Website: www.kingborough.tas.gov.au
In person: Kingborough Civic Centre
Mail: 15 Channel Highway
KINGSTON TAS 7050
Office hours: 8.30am to 5.00pm

Copies of the documents are available upon request or may be viewed at the Council's office.

2 By-law objectives

The Marine Facilities By-law is designed to act as a mechanism for ensuring that the use of marine facilities meets appropriate public access, safety and amenity standards.

Under Section 156A(2)(a) of the *Local Government Act 1993* Councils are specifically required to outline the objectives of the By-law and the means of achieving those objectives.

The following table summarises the various issues being addressed by the By-law, what the By-law will do to address these issues (the objectives) and how the By-law will achieve these objectives.

*Marine Facilities By-Law 2021
Regulatory Impact Statement*

Issue	Objective	Means to achieve objective
Unimpeded public access to a marine facility	To ensure that the general public is not unduly impeded from accessing and using marine facilities.	The By-law includes provisions for dealing with how vessels are to moor alongside jetties or use boat ramps, how land based vehicles are not to obstruct the marine facilities and how various other activities are to not impede access.
Damage to a marine facility	To ensure that marine facilities are not unduly damaged.	The By-law includes provisions for dealing with the actual damaging of marine facilities, the need to prohibit certain vessels, and the erection of signs and advertising material.
Use of a marine facility	To ensure that the public use and access to marine facilities is not being adversely impacted.	The By-law includes provisions for dealing with such activities as the closure of marine facilities, sale of goods or refueling.
The ability to use a marine facility for a commercial use	To ensure that there is a system in place to control any commercial activities that may be conducted from marine facilities.	The By-law includes provisions that require a prior permit to be granted for any such commercial activity.
Providing a head of power to control activities on marine facilities	To ensure that there is an adequate enforcement system in place in order to encourage compliance and the safe use of marine facilities.	The By-law includes provisions for infringement notices, the removal of articles, the banning of individuals, and the issuing of notices.

3 Background

The By-law has been prepared for the purposes of ensuring that the use of marine facilities meet appropriate public access, safety and amenity standards.

Since 29 March 2011 Kingborough Council has managed marine facilities via the Marine Facilities By-law No.1 of 2011. This By-law expired on 29 March 2021. The 2011 By-law has been successful in its intent, appropriate for the general public and commercial users.

Kingborough Council is responsible for the management and maintenance of a number of marine facilities across the municipal area. These include public jetties, boat ramps or pontoons located at Tarooma, Kingston Beach, Tinderbox, Howden, Margate, Snug, Kettering, Woodbridge, Middleton, Gordon, and Bruny Island (numerous). These are all public facilities that are primarily managed for the unimpeded use of the general public in order to gain access to the local waterways.

It is important that these public facilities are managed in a manner that ensures public access can be provided in a relatively safe and unimpeded manner. This is not possible if there is no regulatory safeguard and the Marine Facilities By-law has been prepared to serve this purpose.

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In a general sense, the By-law would provide Council with an ability to control such circumstances as:

- Vessels being moored alongside marine facilities and obstructing other vessels from using the facility;
- Vessels, trailers or vehicles being parked or left on a marine facility and so obstructing other users;
- Vessels being maintained or repaired while on or adjacent to a marine facility;
- Cargo or property being left on jetties for excessive periods of time;
- The refuelling of vessels from marine facilities;
- The rectification of damage and unauthorized alterations to a marine facility;
- Swimming and fishing in the vicinity of marine facilities;
- The use of marine facilities for commercial use subject to permit conditions;
- Providing Council with the power to remove a vessel, vehicle or material from a marine facility; and
- Defining enforcement procedures and providing Council with the power to issue infringement notices for any offences defined within the by-law.

As mentioned earlier, the existing By-law has expired therefore, there will be many potential problems that are not able to be regulated. It is essential that sufficient controls are in place to ensure the public's general safety and well-being. Without the By-law there is limited existing State legislation that effectively enables the regulation and control of activities on such Council managed marine facilities.

The Marine Facilities By-law will address a gap in the regulatory regime that is required to better control inappropriate behaviour or activities on marine facilities.

4 Potential restriction on competition

The By-law accepts that these public marine facilities should be primarily reserved for the use of the general public and any commercial activities managed via a permit process. The By-law provides for controlled commercial use of marine facilities, via a commercial use permit, and so these actions could have an impact on competition. Such commercial activities are assessed against certain factors before approval, including public amenity and public access to the facility. It is intended to only allow commercial use where the public is not overly impeded from accessing the marine facility.

The By-law provides guidance in how a permit might be allocated for commercial use of a marine facility. The following criteria would be referred to in assessing any such application:

- Whether the capacity of the existing marine facility and associated land-based infrastructure is sufficient to accept the proposed use;
- Whether public access and use of the marine facility is still being provided in a safe, reasonable and acceptable level;

*Marine Facilities By-Law 2021
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- Whether a preference is given to existing commercial users, subject to their record of satisfactory performance; and
- Whether the proposed use of the marine facility would cause environmental harm.

Council's General Manager is to determine the merits of any permit application against these criteria.

It is not reasonable to expect that the commercial use of the facilities can occur without constraints. In some cases choices will need to be made that restrict or prevent commercial access. Under such circumstances, this will impose restrictions on competition as some operators may be granted access to the marine facility while others are not. The By-law also addresses competing applications.

Permits will also include conditions that restrict competitive conduct - such as the hours of operation, the number of vessels, advertising or specifying which part of the facility is able to be accessed. Any such conditions that are imposed would be based upon the abovementioned criteria and aim to meet the primary objectives of the By-law.

5 Assessment of costs/benefits RE: restriction on competition and conduct of business

The various issues that are addressed within the By-law will involve the following costs and benefits in relation to potential restrictions on competition or any impact on the conduct of business:

Issue	Cost	Benefits
Unimpeded public access to a marine facility	Protecting public access will restrict or limit commercial use opportunities.	The facilities are primarily for public use and so this must have priority over commercial use. The fact that a facility is known to be publicly accessible increases its popularity and generates other indirect benefits.
Damage to a marine facility	Restrictions are imposed on advertising or adding to or altering of structures that might facilitate a commercial use of the marine facility. Certain vessels are also prohibited if they constitute a nuisance.	Measures need to be in place to deter the potential damage of these public facilities to optimize their public use and availability and to reduce repair costs.
Inappropriate use of a marine facility	Restrictions are imposed on such activities as the sale of goods or the leasing of articles, plus other commercial uses.	The orderly use of these public facilities is important for both their safe public use and their controlled commercial use.
The ability to use a marine facility for a commercial purpose	A permit system which regulates commercial uses against assessment criteria may result in some potential uses being constrained or refused.	The permit system for commercial uses will ensure that a safe and pleasant experience is able to be enjoyed by both customers and the general public.

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Issue	Cost	Benefits
	Existing commercial users may be preferred to new operators if there is insufficient infrastructure capacity.	
Providing a head of power to control activities on marine facilities	An enforcement system will prevent potential unauthorized commercial activities from occurring. There will be enforcement costs on both business and Council.	An enforcement system enables the control of unsafe or anti-social activities from occurring. It provides the necessary certainty and assurance.

The By-law sets the amount of 610 fee units per commercial use permits but it is difficult to determine the exact nature of the potential impacts. Most marine structures are not used for a regular commercial purpose and, where they are, the situation will be unique to the particular business enterprise. The potential costs and benefits cannot be generalised in any quantified form.

Nevertheless, an analysis of the abovementioned costs and benefits indicates that the benefits outweigh the costs associated with restrictions on competition. There will be restrictions on the commercial use of the marine facilities, but these restrictions will result in the protection of public access and safety, together with orderly and efficient use of the facilities for commercial purposes. Any potential restriction to competition can be justified in the public interest.

Where there is a demand that exceeds the capacity of the marine facility, there is the potential for conflict and unsafe practices. The By-law provides the necessary provisions to optimise the commercial opportunities without allowing for an uncontrolled or chaotic situation to develop.

6 Assessment of economic, environmental or social impacts

The following table assesses the economic, environmental and social impacts of the By-law.

		Direct Impacts	Indirect Impacts
Economic	Benefits	<ul style="list-style-type: none"> Provides for commercial use in an orderly manner. Revenue obtained from commercial fees increases the attraction to use the marine facilities and to spend more time on the water. 	<ul style="list-style-type: none"> Facilitates appropriate tourism activity. Commercial fees will be used to upgrade the infrastructure associated with marine facilities.
	Costs	<ul style="list-style-type: none"> May limit some commercial users if a permit is not granted. 	<ul style="list-style-type: none"> Increased enforcement costs for Council in following up complaints and responding to higher community expectations.
Environmental	Benefits	<ul style="list-style-type: none"> Assessment of environmental harm within the application and 	<ul style="list-style-type: none"> Regulates use in the environment.

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		Direct Impacts	Indirect Impacts
		permit process.	<ul style="list-style-type: none"> • Encourages improvement of local amenity and site conditions. • General reduction of nuisances.
	Costs	• Nil	• Nil
Social	Benefits	<ul style="list-style-type: none"> • Reduces conflict between boat users. • Provides an enhanced recreational experience for users. 	<ul style="list-style-type: none"> • Discourages inappropriate behavior from occurring in the first place. • Improved amenity for nearby residents.
	Costs	• Nil	• A general feeling within the community of there being an over-regulation of recreational activities.

7 Discussion of alternatives

Rather than preparing a new Marine Facilities By-law there are other alternatives.

Council could do nothing. This is not really considered a viable option as Council does have an obligation to ensure that public infrastructure, such as marine facilities, is used in a safe manner. Council has a responsibility to provide for suitable controls that ensure acceptable community access, safety and amenity standards are maintained - and to then also ensure that those controls are enforced.

If no regulatory controls are in place, then individuals will determine their own standards, and this will in turn lead to an immediate or progressive reduction in the access, safety and amenity conditions associated with these marine structures. Such an approach would create considerable uncertainty and ambiguity.

Another alternative is to rely on other available or relevant statutory provisions or regulations. Examples of opportunities in this regard include environmental nuisances (Environmental Management and Pollution Control Act 1993), anti-social behaviour being referred to the Police, or Abatement Notices (Local Government Act 1993). Abatement Notices are issued in circumstances when a person is required to actually abate a nuisance - such as carrying out the necessary work to remove the nuisance.

These types of other regulatory alternatives do not adequately address the particular uses and activities that may need to be controlled in the vicinity of marine structures. There are also benefits in defining the actual activities (within the By-law) that are to be controlled, rather than relying upon very general provisions within other legislation. This more precise definition makes it much clearer to everyone as to what is expected and so reduces arguments and conflicts. It provides the clarity needed for effective enforcement.

Other legislation also does not provide for a permit system to control commercial activities. Without such a permit system Council would either rely upon informal agreements or consider leasing the structure to a commercial operator on the basis that it is also available for public use. Both of these alternative options are inadequate, and Council would prefer to have better control of any unsafe or unauthorised use.

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Regulatory Impact Statement*

8 Assessment of public costs and benefits

The general public and commercial users will benefit from the By-law as it provides the necessary regulatory safeguards to ensure that people are able to access public marine facilities in a relatively safe and unimpeded manner.

The overall intended consequence of preparing the By-law is to minimise risk. The By-law is to protect the built assets and to provide for improved public safety. It provides a means whereby Council can control inappropriate behaviour and protect public amenity and enjoyment.

There also are clear financial benefits to Council (and the broader community) in having an appropriate regulatory regime in place that protects the condition of public assets. In a few instances, the proposed By-law will also secure income from commercial operators and these funds can be directed towards the management of the marine facilities themselves.

The marine facilities are maintained by utilising public funds and there are clear public benefits in ensuring that these facilities are not being damaged by inappropriate activities. Maintenance and replacement costs are minimised if such activities are regulated. Without such regulation, there is an increased likelihood of damage taking place.

The By-law is needed to address issues and problems that occur at public jetties and boat ramps managed by Council including the commercial use of such marine facilities, via a conditioned permit system.

There are significant community costs incurred when there is conflict due to access to the marine facilities being obstructed. In some cases (and at sometimes) the marine facilities are very heavily used. Unreasonable behaviour or activities needs to be regulated.

Regulation is the most feasible option to achieve the By-law's objectives and the By-law has been carefully prepared to ensure that it imposes the least regulatory burden on the community as possible.

Where fees are imposed for matters such as cost recovery or to establish price signals etc. these will be expressed in fee units which are directly linked to the State Government's fee unit's system. The approach provides for annual increases in fees to keep up with inflation and other factors, over the life of the By-law.

Where permits may be granted, applications will be assessed against criteria such as; the potential for damage, amenity, access, environmental harm, movement of traffic, advertising, size, parking, and any other matter the General Manager considers relevant. This reassures that the permit process is fair and consistent.

9 Proposed public consultation process

Since 2011 Council has functioned with a marine services By-law. Over this period of time Council has received feedback from particular stakeholder groups including the general public. This feedback has informed the development of an improved draft By-law.

The proposed future public consultation is to occur following certification by the Director of Local Government, in accordance with Section 156A(6) of the *Local Government Act 1993*. This public consultation will entail:

- Copies of the By-law will be sent to relevant State Government Departments for their review - including Marine and Safety Tasmania, Crown Land Services (Department of

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Primary Industries, Parks, Water and Environment), Department of Police and Emergency Management, Department of Justice;

- Advertisements will be placed in the Mercury newspaper advising of Council's intention and seeking public comment;
- An article will be published in a local Kingborough newspaper — such as the Kingborough Chronicle;
- Council will display the proposal on its website, social media and at the Council offices at Kingston and Alonnah (Bruny Island);
- Any person may make a submission to Council regarding the proposed new By-law; and
- Council will consider each submission as part of the consultation process.



HEALTH AND ENVIRONMENTAL SERVICES BY-LAW

REGULATORY IMPACT STATEMENT

By-law No. 2 of 2021

A By-law to regulate and control activities and matters relating to the health and environmental services in the Kingborough community.

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*Health and Environmental Services By-Law 2021
Regulatory Impact Statement*

1 Purpose and process of Regulatory Impact Statement

When a Council seeks to make a new or significant By-law amendment, the *Local Government Act 1993* (the Act), requires that a Regulatory Impact Statement (RIS) be prepared.

The preparation of an RIS requires Council to analyse the most efficient and effective options available to address a particular issue. The RIS is also required to identify whether the benefits provided by the new By-law outweigh the costs of any restrictions on competition or the potential adverse impacts on business. This requires an assessment of direct and indirect social, economic and environmental impacts of the proposed By-law and the alternatives considered.

The Act, under Section 156A, requires that, once the RIS has been prepared, Council must submit it to the Director of Local Government, Department of Premier and Cabinet for assessment. If the Director is satisfied that the RIS meets the statutory requirements, they will issue a certificate to that effect and Council may then commence the public consultation process.

Pursuant to Section 158 of the Act, copies of the By-law and the RIS are available by contacting Council by any of the following means:

Telephone: 6211 8200
 Fax: 6211 8211
 E-mail: kc@kingborough.tas.gov.au
 Website: www.kingborough.tas.gov.au
 In person: Kingborough Civic Centre
 Mail: 15 Channel Highway
 KINGSTON TAS 7050
 Office hours: 8.30am to 5.00pm

Copies of the documents are available upon request or may be viewed at the Council's office.

2 By-law objectives

The Health and Environmental Services By-law is designed to act as a mechanism for ensuring that Council can provide protection for the community in matters relating to public and environmental health.

Under Section 156A(2)(a) of the Act Councils are specifically required to outline the objectives of the By-law and the means of achieving those objectives.

The following table summarises the various issues being addressed by the By-law, what the By-law will do to address these issues (the objectives) and how the By-law will achieve these objectives.

Issue	Objective	Means to achieve Objective
Use of Council's waste disposal facilities.	To ensure that materials delivered to Council's waste disposal facilities are disposed of correctly.	The By-law includes provisions ensuring that persons must dispose of waste correctly by setting of operational times, the ability to prohibit the disposal of certain articles and protection

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Issue	Objective	Means to achieve Objective
		of the disposal facilities by prohibiting fires.
Disposal of household refuse and/or recyclable materials.	To ensure that Council's kerbside household waste and recycling services operate in an effective manner and residents do not create a nuisance through improper usage of mobile garbage and recycling bins.	The By-law includes provisions for the placement of bins at the kerbside and the materials that may be placed in the respective wheelie bins.
Control of animals and poultry.	To ensure that animals and poultry are not kept whereby they create a nuisance and that the animals and poultry are housed correctly.	<p>The By-law requires livestock only be kept on properties that have an area greater than 2000 square metres, and not within residential zones.</p> <p>Also, the number of poultry kept is restricted within the residential zone and poultry must be a minimum distance from neighbouring properties.</p> <p>The By-law requires animals (other than cats and dogs) must not be allowed to stray onto neighbouring properties.</p> <p>The By-law prohibits the keeping of roosters in residential zones and requires the keeper of animals and poultry to ensure that they are housed in a clean and sanitary environment.</p> <p>The By-law also limits the number of beehives that can be kept on a property with respect to the size of the lot.</p>
Sanitation and waste management on building sites.	To ensure that building sites have acceptable sanitary facilities and waste management practices.	<p>The By-law requires that one toilet must be provided for every 10 people on the building site, the toilet must have appropriate sanitary facilities and must be maintained in a clean and sanitary condition.</p> <p>The By-law also requires that waste on building sites is properly contained to prevent waste blowing off the site.</p>

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Issue	Objective	Means to achieve Objective
Control of the use of incinerators and open air burning.	To ensure that only suitable materials are burnt, protecting the health of the community and to ensure that open air fires are not lit in inappropriate places that may pose a safety risk to the community or cause nuisance from smoke emissions.	<p>The By-law prohibits the use of incinerators.</p> <p>The By-law prohibits open air burning on small parcels of land (less than 2000m²) and in residential zoned areas. The provisions of the By-law are aligned with the <i>Environmental Management and Pollution Control (Smoke) Regulations 2019</i> to ensure that the use of appropriate cooking and heating appliances is not impeded.</p> <p>Open air fires must be clear of adjoining properties and away from overhanging vegetation.</p> <p>Only uncontaminated wood, etc. is to be burned in an open-air fire, cooking appliance or heater.</p>
Control of habitation of caravans outside caravan parks.	<p>To ensure that where caravans are being occupied for extended periods that there is no impact on local amenity, public health or the environment.</p> <p>Where occupancy is permitted there are minimum standards of sanitation.</p>	<p>The By-law provides for the issuing of permits for occupation of caravans provided that minimum standards of sanitation are met and that there are minimal impacts on local amenity.</p> <p>Caravans are not to be occupied for more than 30 days without a permit.</p>
Issuing of permits.	Provide a minimum standard for the lodgement of a permit application and set out factors to be taken into consideration in the assessment of an application.	<p>The By-law allows permits to be issued for keeping of more beehives than the maximum prescribed limit, and for occupation of a caravan for more than 30 days.</p> <p>The By-law provides that applications consist of sufficient detail to enable adequate assessment.</p> <p>The By-law sets out the factors to be taken into account by the General Manager when assessing an application.</p>
Enforcement of the By-law.	To provide for the enforcement of the By-law	The By-law sets out that an infringement notice may be

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Regulatory Impact Statement*

Issue	Objective	Means to achieve Objective
	and setting of penalties for breaches of By-law provisions.	issued for breaches of specified offences in the By-law. A person is also required to supply their name and address to an authorised officer.

3 Background

The By-law has been prepared for the purposes of ensuring that there are additional powers relating to the protection of public and environmental health that are not addressed in existing legislation.

In addition to current State legislation, Kingborough Council currently controls public and environmental health matters via the existing *Health and Environmental Services By-law No. 3 of 2011*. This existing By-law expires in August 2021 and a new By-law is required prior to the expiration of the current By-law to ensure continuity of proper management of public and environmental matters.

The new By-law contains several amendments which have come about through consultation with stakeholders and feedback from the community over the last ten years during the operation of the current By-law. The amendments reflect areas where Council has identified opportunity for improvement or to create more consistency with other Tasmanian Councils in order to provide better outcomes for the community and the environment.

For example, the By-law would provide Council with an ability to control circumstances such as:

- Preventing the disposal of hazardous wastes at Council's waste transfer station and in Council's kerbside waste collection service.
- Minimising nuisance from livestock and roosters by ensuring they are not kept in residential areas.
- Ensuring that building sites have adequate waste storage facilities so that waste materials do not blow into natural areas or adjoining properties.
- Ensuring smoke from open air fires does not cause nuisance in residential areas.
- Ensuring that the occupation of caravans outside caravan parks does not impact on local amenity or cause public health risks.

As mentioned earlier, the existing By-law is due to expire therefore, there will be many potential problems that are not able to be regulated. It is essential that sufficient controls are in place to ensure the public's general safety and well-being. Without the By-law there is limited existing State legislation that effectively enables the regulation and control of activities relating to public and environmental health.

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Regulatory Impact Statement*

4 Potential restriction on competition

The By-law creates minimal restrictions on competition of business. Whilst there are no restrictions on market entry (eg. licencing or registration requirements), competitive conduct, product/service innovation or administrative discretion, the By-law does create potential impacts on business through restrictions on waste management, animal management, occupation of caravans outside of caravan parks and building site sanitation and waste management. These potential impacts are assessed in section 5.

5 Assessment of costs/benefits RE: restriction on competition and conduct of business

The various issues that are addressed within the By-law will involve the following costs and benefits in relation to potential restrictions on competition and conduct of business.

Issue	Costs	Benefits
Limitation of times for disposal at waste facilities.	The limitation does not place any restriction on competition as waste facilities are operated under an environmental licence.	The restriction of hours reduces the operational costs for Council, which has a direct benefit to business through lower waste disposal fees.
Use of mobile household waste & recycling bins.	The limitations on the size of household refuse and recycling bins means that some businesses need to utilise private contractors (eg. skip bin contracts).	The regulation of usage of mobile bins reduces the cost of collection thus providing a service at a lower annual cost to business.
Control of livestock, poultry and other animals.	The limitations on keeping of livestock and other animals has no direct cost to business.	There are no direct benefits as a result of the limitations.
Limitation on number of beehives that can be kept on a property.	The By-law may limit the number of hives that a commercial honey producer can keep on a property. However the By-law provisions have been drafted in line with advice from the Tasmanian Beekeepers Association to ensure that there would be no impediment on beekeeping on large rural properties.	The By-law provisions will ensure that the business is suitably scaled to fit within the local neighbourhood and will ensure that bees from the beehives do not cause a nuisance to neighbouring properties, protecting the brand of the business.
Building site sanitation.	The requirement to provide sanitation facilities on building sites may result in some additional costs to the contractors.	The provision of building site sanitation provides a benefit to business through the hire of mobile toilet facilities to building contractors.
Building site waste management.	The requirement to provide waste disposal containers on site may result in additional costs for builders.	The provision of building site waste containers provides a benefit through the hire of waste containers and/or waste management contractors.
Control of incinerators and open air burning.	Restrictions on incinerators, open air burning and types of materials allowed to be burnt	Not applicable.

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Regulatory Impact Statement*

Issue	Costs	Benefits
	does not increase business costs.	
Use of caravans outside caravan parks.	The restriction of use of caravans outside caravan parks may have a small cost through the potential reduction in tourism numbers.	The limitation on use of caravans outside caravan parks has a direct benefit to business by ensuring that only commercial facilities are used.

The above costs and benefits have not been quantified as it is difficult to determine the exact nature of the potential impacts on the conduct of business. Nevertheless, an analysis of the abovementioned costs and benefits indicates that the benefits outweigh the costs associated with any potential impact on the conduct of business.

6 Assessment of economic, environmental or social impacts

The following table assesses the economic, environmental and social impacts of the By-law.

		Direct Impacts	Indirect Impacts
Economic	Benefits	<ul style="list-style-type: none"> Provision of waste collection and disposal services reduces cost of collection of dumped wastes. Building site waste management requirements reduce costs of litter collection. 	<ul style="list-style-type: none"> Improved regulatory controls allow for more efficient enforcement by Council.
	Costs	<ul style="list-style-type: none"> Urban residents may see increased green waste disposal costs due to the need to dispose of green waste at approved waste facilities. Caravan controls may impact on tourism numbers due to insufficient space in caravan parks. 	<ul style="list-style-type: none"> Increased enforcement costs for Council in following up more complaints and responding to higher community expectations.
Environmental	Benefits	<ul style="list-style-type: none"> A reduction in rubbish dumping and potentially polluting activities through provision of waste collection and disposal services. Enhanced controls to promote responsible waste disposal. 	<ul style="list-style-type: none"> Encourages improvement of local amenity.

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		Direct Impacts	Indirect Impacts
		<ul style="list-style-type: none"> • Reduction in litter through improved building site waste management. • Human effluent disposed appropriately through regulation of occupation of caravans and requirements for toilets on building sites. • Increased protection of environment through restriction of open air burning and incinerators. 	
	Costs	Nil	Nil
Social	Benefits	<ul style="list-style-type: none"> • A reduction in risks to public health and safety through control of animals, open air burning and incinerators. • Reduces the potential for conflict between neighbouring residents because of nuisance complaints. • Reduces the risk of lower amenity of areas through influx of caravans being used for occupation. 	<ul style="list-style-type: none"> • Discourages inappropriate behaviour from occurring in the first place. • Improved waste management controls result in cleaner public/private spaces.
	Costs	Nil	Nil

7 Discussion of alternatives

Rather than preparing a new Health and Environmental Services By-law there are other alternatives.

Council could do nothing, although this is not considered a viable option as Council has an obligation to ensure that appropriate health and environmental controls are provided in support of State legislation. Council has a responsibility to provide for suitable controls that ensure acceptable community safety and amenity standards are maintained – and to then also ensure that those controls are enforced. If no regulatory controls are in place, then individuals will determine their own standards, and this will in turn lead to an immediate or progressive reduction in both public and environmental health standards.

Another alternative is to rely on other available or relevant statutory provisions or regulations. Examples of opportunities in this regard include enforcement of environmental nuisance provisions (*Environmental Management and Pollution Control Act 1993*), anti-social behaviour being referred to the Police, or issuing of abatement notices (under the *Local Government Act 1993*). Abatement Notices are issued in circumstances when a person is required to abate a nuisance – such as carrying out the necessary work to remove the nuisance.

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The above regulatory alternatives do not adequately address the particular uses and activities that need to be controlled. There are also benefits in defining the actual activities (within the By-law) that are to be controlled, rather than relying upon very general provisions within other legislation. Having defined provisions set out in a By-law makes it much clearer to users as to what is expected and so reduces arguments and conflicts. It provides the clarity needed for effective enforcement.

Other legislation also does not provide for a permit system to enter into hire or user agreements. Without such a permit system Council would either rely upon informal agreements or not permit exclusive use of recreational facilities.

8 Assessment of public costs and benefits

The overall intended consequence of preparing a new Health and Environmental Services By-law is to minimise nuisance and risks to both public and environmental health.

Any lowering of community standards (without a By-law) will increase costs to the community both through Council's rates and charges as well as through increases to State Government costs and charges due to likely increased damage to the environment and other adverse public health impacts.

Regulation is the most feasible option to achieve the By-law's objectives and the By-law has been carefully prepared to ensure that it imposes the least regulatory burden on the community as possible. Whilst the implementation of any regulatory control results in a direct cost, this is offset by the potential costs on the community that would be required to manage uncontrolled activities adversely impacting on the environment and broader community standards.

Where fees are imposed for matters such as cost recovery or to establish price signals etc. these will be expressed in fee units which are directly linked to the State Government's fee unit's system. The approach provides for annual increases in fees to keep up with inflation and other factors, over the life of the By-law.

Where permits may be granted, applications will be assessed against criteria such as; the potential for damage, amenity, access, environmental harm, movement of traffic, advertising, size, parking, and any other matter the General Manager considers relevant. This reassures that the permit process is fair and consistent.

9 Proposed public consultation process

Since 2011, Council has functioned with the current *Health and Environmental Services By-law 2011*. Over this period Council has reviewed feedback from stakeholder groups including the general public. This feedback has informed the development of the new By-law.

The proposed future public consultation is to occur following certification by the Director of Local Government, in accordance with Section 156A(6) of the *Local Government Act 1993*. This public consultation will entail:

- Copies of the By-law will be sent to relevant State Government Departments for their review - including the Environment Protection Authority (Department of Primary Industries, Parks, Water and the Environment), Department of Police and Emergency Management, Department of Justice and Department of Health;
- Advertisements will be placed in the Mercury newspaper advising of Council's intention and seeking public comment;

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- An article will be published in a local Kingborough newspaper — such as the Kingborough Chronicle;
- Council will display the proposal on its website, social media and at the Council offices at Kingston and Alonnah (Bruny Island);
- Any person may make a submission to Council regarding the proposed new By-law; and
- Council will consider each submission as part of the consultation process.

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**PARKS, RECREATION AND
NATURAL AREAS BY-LAW**

REGULATORY IMPACT STATEMENT

By-law No. 3 of 2021

A By-law to regulate and control activities associated with Council land and recreational facilities under Kingborough Council management.

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Public Copy

*Parks, Recreation and Natural Areas By-Law 2021
Regulatory Impact Statement*

1 Purpose and process of Regulatory Impact Statement

When a Council seeks to make a new or significant By-law amendment, the *Local Government Act 1993*, requires that a Regulatory Impact Statement (RIS) be prepared.

The preparation of an RIS requires Council to analyse the most efficient and effective options available to address a particular issue. The RIS is also required to identify whether the benefits provided by the new By-law outweigh the costs of any restrictions on competition or the potential adverse impacts on business. This requires an assessment of direct and indirect social, economic and environmental impacts of the proposed By-law and the alternatives considered.

The *Local Government Act 1993*, under Section 156A, requires that, once the RIS has been prepared, Council must submit it to the Director of Local Government, Department of Premier and Cabinet for assessment. If the Director is satisfied that the RIS meets the statutory requirements, they will issue a certificate to that effect and Council may then commence the public consultation process.

Pursuant to Section 158 of the *Local Government Act 1993*, copies of the By-law and the RIS are available by contacting Council by any of the following means:

Telephone: 6211 8200
 Fax: 6211 8211
 E-mail: kc@kingborough.tas.gov.au
 Website: www.kingborough.tas.gov.au
 In person: Kingborough Civic Centre
 Mail: 15 Channel Highway
 KINGSTON TAS 7050
 Office hours: 8.30am to 5.00pm

Copies of the documents are available upon request or may be viewed at the Council's office.

2 By-law objectives

The Parks, Recreation and Natural Areas By-law is designed to act as a mechanism for ensuring that the use of recreational facilities meets appropriate public access, safety and amenity standards.

Under Section 156A(2)(a) of the *Local Government Act 1993* Councils are specifically required to outline the objectives of the By-law and the means of achieving those objectives.

The following table summarises the various issues being addressed by the By-law, what the By-law will do to address these issues (the objectives) and how the By-law will achieve these objectives.

Issue	Objective	Means to achieve Objective
Hire and usage of Council land and recreational facilities.	To permit individuals, clubs and organisations to have exclusive use of facilities.	The By-law includes provisions for the issuing of a permit to hire facilities upon such terms and conditions as the General Manager may determine and that a security bond may be required.

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Issue	Objective	Means to achieve Objective
Protection of Council land and recreational facilities.	To ensure that parks, recreation, natural areas and Council land is not unduly damaged either via inappropriate use or actions undertaken.	The By-law includes provisions for dealing with the actual damaging of parks, recreation and natural areas including the protection of vegetation and materials, protection of wildlife, prohibition of lighting fires and controlling certain use within these locations via a permit and conditioning process.
The considerate use of Council land and recreational facilities.	To ensure that parks, recreation, natural areas and Council land are used in a considerate manner and public safety is not endangered.	The By-law includes provisions to deal with misuse, inappropriate use or controlling use via permit or the inclusion of safety equipment etc.
Unimpeded public access to Council land and recreational facilities.	To ensure that the general public is not unduly impeded from accessing and using parks, recreation, natural areas and Council land.	The By-law includes provision to control certain activities via a permit and conditioning process which allows the peaceful and equitable use of land and how various other activities e.g. organised sports, are controlled in order to not unduly impede access.
The protection of public health when using Council land and recreational facilities.	To ensure that parks, recreation, natural areas and Council land are used in such a manner as not to create a public health nuisance.	The By-law includes provisions to restrict camping to approved areas, the polluting and depositing of noxious matter and syringes and sharps.

3 Background

The By-law has been prepared for the purposes of ensuring that the use of Council land and recreation facilities meets appropriate public access, safety and amenity standards.

Kingborough Council currently controls Council land and recreation facilities by way of the existing *Parks, Recreation and Natural Areas By-law 2 of 2011*. This existing By-law expires on 4th August 2021. The By-law is therefore being reviewed and it is proposed that it be replaced by this revised Parks, Recreation and Natural Areas By-law.

During the past 10 years the By-law has been successful in its intent with limited significant impacts via the introduction of new legislation. Most of the existing By-law provisions have been maintained in the revised by-law.

It is important that Council land, recreation facilities and associated facilities are managed in a manner that ensures public access can be provided in a safe and unimpeded manner. This is not possible if no regulatory safeguard exists and the revised Parks, Recreation and Natural Areas By-law has been prepared to serve this purpose.

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In a general sense, the By-law would provide Council with an ability to control such circumstances as:

- Regulating the usage of Council land and recreational facilities.
- Enter into user agreements with individuals, clubs and organisations.
- Close Council land and recreational facilities as deemed necessary.
- The ability to charge admission fees.
- Protection of vegetation, materials, and wildlife.
- Lighting of fires.
- Protection of relics and structures.
- Proper usage of children's play equipment.
- Interference of sporting events.
- Signs and handbills.
- Camping in unauthorised areas.
- Sale of goods on Council land.

As mentioned earlier, the existing By-law is due to expire therefore, there will be many potential problems that are not able to be regulated. It is essential that sufficient controls are in place to ensure the public's general safety and well-being. Without the By-law there is limited existing State legislation that effectively enables the regulation and control of activities on Council managed land.

In preparing this By-law regard has been given to:

- The suitability of existing By-law provisions within similar By-laws administered by other Tasmanian Councils;
- The provisions within existing relevant legislation and the need to ensure that the new By-law does not duplicate or conflict with those statutory provisions; and
- Industry and community comment provided over the life of the current By-law.

The Parks, Recreation and Natural Areas By-law will address a gap in the regulatory regime that is required to better control Council land and recreational facilities.

4 Potential restriction on competition

The By-law assumes that Council land, recreational facilities and their facilities should be primarily reserved for the use of the public. The By-law does, however, provide for the Council to enter into user agreements with individuals, clubs and organisations. Commercial activities are only to occur if the public is not overly impeded from accessing the facilities, however on authorisation via permit, an admission charge can occur.

The By-law provides guidance in how a permit might be allocated. The following requirements will apply:

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- That an application be in writing.
- A statement of intended activity be provided.
- A drawing of the location and extent of occupation sought.
- A plan addressing safety.
- Evidence of public liability insurance.

The Council's General Manager is to determine the merits of a permit application and may grant or refuse the application.

Where there are competing applications, the determination will be made by the General Manager. Permits may also include conditions that restrict competitive conduct - such as the hours of operation, advertising or specifying which part of the land is able to be accessed. Any such conditions that are imposed would be based upon the abovementioned criteria and aim to meet the primary objectives of the By-law.

5 Assessment of costs/benefits RE: restriction on competition and conduct of business

The various issues that are addressed within the By-law will involve the following costs and benefits in relation to potential restrictions on competition or any impact on the conduct of business.

Issue	Costs	Benefits
Unimpeded public access to Council land or recreational facilities.	Access to Council land or recreational facilities does not create a cost to business.	The facilities are primarily for public use and so this has priority over commercial use. The fact that a facility is known to be publicly accessible increases its popularity and generates other indirect benefits including expenditure at local businesses.
Inappropriate use of Council land or recreational facilities.	Does not result in a cost to business.	The orderly use of these public facilities is important for both their safe public use and their controlled commercial use. This provides an image that can maintain or increase public usage providing potential commercial benefits to business.
The ability to use Council land or recreational facilities for a commercial purpose	A permit system will allow some commercial use that may result in some potential uses being in competition to business.	The limited commercial usage of Council land and recreation areas has the potential to attract visitors to the area that may increase customer numbers of local business.
Providing a head of power to control activities on Council land or	Enforcement of the By-law will not result in a direct cost to business.	An enforcement system will prevent potential unauthorised commercial activities from

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Regulatory Impact Statement*

recreational facilities.		occurring, restricting the opportunity for unlawful business activity/competition.
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The above costs and benefits have not been quantified as it is difficult to determine the exact nature of the potential impacts. Most Council land or recreational facilities are not used for a regular commercial purpose and, where they are, the situation will be unique to the particular business enterprise.

Nevertheless, an analysis of the abovementioned costs and benefits indicates that the By-law will be a benefit to business. There will be restrictions on the commercial use of Council land or recreational facilities to ensure that it limits the potential for cost to business as well as providing protection of public access and safety, together with a more orderly and efficient use of the facilities for commercial purposes.

6 Assessment of economic, environmental or social impacts

The following table assesses the economic, environmental and social impacts of the By-law.

		Direct Impacts	Indirect Impacts
Economic	Benefits	<ul style="list-style-type: none"> • Provide an opportunity for sporting clubs and organisations to charge admission fees. 	<ul style="list-style-type: none"> • Encouragement of increased physical activity potentially reducing community health care costs. • Potential for increased public expenditure on recreational goods.
	Costs	<ul style="list-style-type: none"> • Nil. 	<ul style="list-style-type: none"> • Increased enforcement costs for Council in following up complaints and responding to higher community expectations.
Environmental	Benefits	<ul style="list-style-type: none"> • Increased protection of environment. • Assessment of permit activities against the potential for and extent of any environmental harm. 	<ul style="list-style-type: none"> • Encourages improvement of local amenity and site conditions. • General reduction of nuisances.
	Costs	<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • Nil
Social	Benefits	<ul style="list-style-type: none"> • Reduces conflict between users. • Provides an enhanced recreational experience for users. • Increases the attraction to use the recreational facilities and to spend more time undertaking recreational activities. 	<ul style="list-style-type: none"> • Discourages inappropriate behaviour from occurring in the first place. • Improved amenity for nearby residents. • Reduces costs to community from unlawful property damage.

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		<ul style="list-style-type: none"> • Ensure Council land and recreational facilities are not unduly damaged. 	
	Costs	<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • A potential feeling within the community of there being an over-regulation of council land and recreational facilities.

7 Discussion of alternatives

Rather than preparing a new Parks, Recreation and Natural Areas By-law there are other alternatives.

Council could do nothing. This is not really considered a viable option as Council does have an obligation to ensure that Council land and recreational facilities are used in a safe manner. Council has a responsibility to provide suitable controls that ensure acceptable community access, safety and amenity standards are maintained – and to then ensure that those controls are enforced.

If no regulatory controls are in place, then individuals will determine their own standards, this would in turn lead to an immediate or progressive reduction in the access, safety and amenity associated with Council land and recreational facilities. Such an approach would create considerable uncertainty and ambiguity.

Another alternative is to rely on other available or relevant statutory provisions or regulations. Examples of opportunities in this regard include environmental nuisances (*Environmental Management and Pollution Control Act 1993*), anti-social behaviour being referred to the Police, or Abatement Notices (*Local Government Act 1993*). Abatement Notices are issued in circumstances when a person is required to abate a nuisance – such as carrying out the necessary work to remove the nuisance.

The above regulatory alternatives do not adequately address the uses and activities that need to be controlled. There also are benefits in defining the actual activities (within the By-law) that are to be controlled, rather than relying upon very general provisions within other legislation. This more precise definition makes it much clearer to users as to what is expected and so reduces arguments and conflicts. It provides the clarity needed for effective enforcement.

8 Assessment of public costs and benefits

The overall intended consequence of preparing a new Parks, Recreation and Natural Areas By-law is to minimise risk to infrastructure, the natural environmental and individuals and endeavour to provide peaceful use of Council land and recreational facilities.

Endeavouring to ensure appropriate usage of Council facilities and minimising the risk of damage to the environment and facilities provides financial benefits to the community through the reduction of the cost associated with repairs.

Regulation is the most feasible option to achieve the By-law's objectives and the By-law has been carefully prepared to ensure that it imposes the least regulatory burden on the community as possible.

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Where fees are imposed for matters such as cost recovery or to establish price signals etc. these will be expressed in fee units which are directly linked to the State Governments fee unit's system. The approach provides for annual increases in fees to keep up with inflation and other factors, over the life of the By-law.

Where permits may be granted, applications will be assessed against criteria such as; the potential for damage, amenity, access, environmental harm, movement of traffic, advertising, size, parking, and any other matter the General Manager considers relevant. This reassures that the permit process is fair and consistent.

9 Proposed public consultation process

Since 2011 Council has functioned with a Parks, Recreation and Natural Areas By-law. Over this period Council has received feedback from particular stakeholder groups including the public. This feedback has informed the development of an improved draft By-law.

The proposed future public consultation is to occur following certification by the Director of Local Government, in accordance with Section 156A(6) of the *Local Government Act 1993*. This public consultation will entail:

- Copies of the By-law will be sent to relevant State Government Departments for their review - including Marine and Safety Tasmania, Crown Land Services (Department of Primary Industries, Parks, Water and Environment), Department of Police and Emergency Management, Department of Justice;
- Advertisements will be placed in the Mercury newspaper advising of Council's intention and seeking public comment;
- An article will be published in a local Kingborough newspaper — such as the Kingborough Chronicle;
- Council will display the proposal on its website, social media and at the Council offices at Kingston and Alonnah (Bruny Island);
- Any person may make a submission to Council regarding the proposed new By-law; and
- Council will consider each submission as part of the consultation process.



ROADS AND PARKING BY-LAW

REGULATORY IMPACT STATEMENT

Public Copy

By-law No.4 of 2021

A By-law to regulate and control activities associated with roads and parking under Kingborough Council management.

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Public Copy

*Roads and Parking By-Law 2021
Regulatory Impact Statement*

1 Purpose and Process of Regulatory Impact Statement

When a Council seeks to make a new or significant By-law amendment, the *Local Government Act 1993*, requires that a Regulatory Impact Statement (RIS) be prepared.

The preparation of an RIS requires Council to analyse the most efficient and effective options available to address a particular issue. The RIS is also required to identify whether the benefits provided by the new By-law outweigh the costs of any restrictions on competition or the potential adverse impacts on business. This requires an assessment of direct and indirect social, economic and environmental impacts of the proposed By-law and the alternatives considered.

The *Local Government Act 1993*, under Section 156A, requires that, once the RIS has been prepared, Council must submit it to the Director of Local Government, Department of Premier and Cabinet for assessment. If the Director is satisfied that the RIS meets the statutory requirements, they will issue a certificate to that effect and Council may then commence the public consultation process.

Pursuant to Section 158 of the *Local Government Act 1993*, copies of the By-law and the RIS are available by contacting Council by any of the following means:

Telephone: 6211 8200
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 E-mail: kc@kingborough.tas.gov.au
 Website: www.kingborough.tas.gov.au
 In person: Kingborough Civic Centre
 Mail: 15 Channel Highway
 KINGSTON TAS 7050
 Office hours: 8.30am to 5.00pm

Copies of the documents are available upon request or may be viewed at the Council's office.

2. By-law objectives

The Roads and Parking By-law is designed to act as a mechanism for ensuring that the use of Council roads and parking areas meets appropriate public access, safety and amenity standards.

Under Section 156A(2)(a) of the *Local Government Act 1993* Councils are specifically required to outline the objectives of the By-law and the means of achieving those objectives.

The following table summarises the various issues being addressed by the By-law, what the By-law will do to address these issues (the objectives) and how the By-law will achieve these objectives.

Issue	Objective	Means to achieve Objective
Unauthorized works on a public road.	To ensure that the road surface is not unduly damaged and that all works on roads are undertaken and reinstated to Council's standards.	The By-law includes provisions for undertaking works on a road and includes provisions for obtaining a permit to allow works to take place, with conditions that must be followed for such activities.

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Issue	Objective	Means to achieve Objective
Access along a public road being obstructed and the possible creation of a public safety hazard.	To ensure that the general public is not unduly impeded from travelling safely along a public road.	The By-law includes provisions for dealing with occupation of a road which includes but is not limited to events, obstruction and parking on roads. The By-law includes provisions for obtaining permits to condition such activities to ensure that public, amenity and safety is not impeded.
The road surface being inappropriately used or damaged which creates a potential public safety hazard requiring repair at costs.	To ensure that the road surface infrastructure is used correctly, either via excluding activities or conditioning activities, and that it is not unduly damaged or if so, repaired to a required standard.	The By-law includes provisions for managing the depositing, falling, dropping etc. of materials on a road. It also allows an authorised officer to give direction to render or prevent actions resulting in depositing of material etc. The By-law also has a permit process to conditions activities relating to materials and substances on roads.
The footpath, nature strip, kerb and gutter within the road reserve being damaged in a manner that effects amenity, impedes access and requires costs to repair.	To ensure that the footpath, nature strip and kerb and gutter within the road reserve are maintained in a serviceable condition.	The By-law includes provisions for dealing with the removal of roadside vegetation, the construction of unauthorised crossings and the general damaging of the footpath and kerb.
Unauthorized signage that obstructs vehicle site lines, footpaths, access and amenity.	To ensure that there is a system and guidelines in place to control commercial activities that may be conducted on a road, including the installation of real estate directional signage.	The By-law includes a provision that prevents the erection of signage without a permit – excluding real estate directional signage – and includes requirements for all such signage.
Public access and use being restricted by street trading, including street dining and food trucks within the road reserve.	To ensure that there is an adequate permit system in place to regulate equitable street trading activities and prevent street trading from effecting amenity or occurring in inappropriate or unsafe locations.	The By-law includes controls for managing street trading, including street dining and food trucks via a permit process and liability insurance. The permit process allows for discretionary and mandatory conditions to be imposed and controls the location that activities can take place.
Driving and parking vehicles within parking areas in a manner that is potentially dangerous or inconveniences other	To ensure that vehicles being driven and parked within parking areas are doing so in an orderly manner to avoid confusion	The By-law includes provisions for dealing with entry and exit of vehicles in a parking area, unsafe speeds, parking within designated parking spaces, the

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Issue	Objective	Means to achieve Objective
users.	and conflict.	payment of parking fees (where appropriate), time restrictions and the use of "reserved" parking spaces.
Damaging Council property within parking areas and the need to control inappropriate behaviour.	To ensure that public parking areas are being used for their intended purpose.	The By-law includes provisions for dealing with damaging Council property, the removal of infringement notices, washing or repairing vehicles within parking areas, restrictions on cycling and skating, obstructing vehicles or pedestrians.

3 Background

The By-law has been prepared for the purposes of regulating conduct and activities on roads and within parking areas in the Kingborough municipal area. The By-law will provide Council with an ability to control such circumstances as described by the issues listed in the preceding table.

Council's existing By-law that deals with such matters is the *Roads, Parking and Stormwater By-law* (By-law 4 of 2011). This existing By-law expires on 4 August 2021. The By-law is therefore being reviewed and it is proposed that it be replaced by this new Roads and Parking By-law.

During the last 10 years, the most significant impacts on the existing By-laws have been:

- The implementation of the *Urban Drainage Act 2013* which provides controls over urban stormwater infrastructure and management; and
- A growing need to further control street trading activities within the road reserve, with a proliferation of food truck enquiries and enquiries from local businesses to undertake activities on footpaths (such as at Kingston Beach).

Most of the existing By-law provisions have been maintained in the revised By-law. However, to avoid duplication with the *Urban Drainage Act 2013* the stormwater section of the existing By-law has been removed.

It is important that the public (road and parking) infrastructure is managed in a manner that ensures it can be used for the maximum public benefit. Inappropriate activities need to be controlled and/or prevented. This is not possible if there is no regulatory safeguard and the prepared Roads and Parking By-law serves this purpose.

In preparing this By-law regard has been given to:

- The suitability of existing By-law provisions within similar By-laws administered by other Tasmanian Councils;
- The provisions within existing relevant legislation and the need to ensure that the new By-law does not duplicate or conflict with those statutory provisions; and
- Industry and community comment provided over the life of the current By-law.

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The most relevant legislation is:

- *Local Government (Highways) Act 1982*
- *Vehicle and Traffic Act 1999*
- *Traffic (Road Rules) Regulations 1999*
- *Urban Drainage Act 2013*

4 Potential restriction on competition

The proposed By-law does provide for, and then controls, some opportunities for commercial activities. Such situations should only occur when it can be established that there is an acceptable impact on the public amenity. As a result the public road reserve and parking areas have very limited opportunities for private commercial activities. Possible commercial uses include:

- Street trading including street dining, food trucks, and other forms of vending or displays outside commercial premises;
- Events or markets that require the part closure of a road or parking area; and
- Advertising signs, such as a temporary signboard, within the road reserve.

It is reasonable to expect that these opportunities will be quite limited as the public infrastructure controlled by this By-law is almost entirely required for unrestricted public use. The By-law also provides some guidance on how a permit might be conditioned for a regular commercial use of the road in question – specifically for street trading and signage. The Council's General Manager is to determine the merits of any permit application against these criteria.

It is not reasonable to expect that the commercial access to these public facilities can occur without constraints. In some cases choices will need to be made that restrict or prevent commercial access, due to available space in the road reserve for example. Under such circumstances, this will impose restrictions on competition as some operators may be granted access to use the road reserve while others are not.

Potentially the permits that are issued under the auspices of this By-law will also include conditions that restrict competitive conduct – such as the hours of operation and specifying which part of the road is able to be used. Any such conditions that are imposed would be based upon the criteria within the By-law and will seek to minimise any adverse impact on general public access and amenity.

5 Assessment of costs/benefits RE: restriction on competition and conduct of business

The various issues that are addressed within the By-law will involve the following costs and benefits in relation to potential restrictions on competition or any impact on the conduct of business:

Issue	Costs	Benefits
The By-law ensures that access along a road should not be obstructed.	Protecting public access will restrict or limit commercial use opportunities.	The road is primarily for public use and so this must have precedence over commercial use. The fact that the road is

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		fundamental to our daily lives including for transport and safety, reiterates that unimpeded public accessibility is priority.
Damage to the road.	Restrictions are imposed on use and works associate to a road which may be related to commercial or other use.	The restrictions placed on such activities are necessary to minimise potential public safety hazards and repair costs.
Inappropriate use of roads.	Restrictions are imposed on such activities as vegetation removal, street trading and signage.	Controlled use of roads is important for both their safe public use, access, and their conditioned commercial use.
The ability to use a road for a commercial purpose.	A permit system which regulates commercial uses against assessment criteria may result in some potential uses being constrained or refused.	The permit system for commercial uses will ensure that a safe and pleasant experience is able to be enjoyed by both customers and the public.
Control of parking areas.	Restrictions are imposed on the use of parking areas.	The restrictions imposed on parking areas is to ensure the safe and equitable use of the areas.
Providing a head of power to control activities on roads and parking areas.	An enforcement system will prevent potential unauthorized commercial activities from occurring. There will be enforcement costs on both business and Council.	An enforcement system enables the control of unsafe or inappropriate activities from occurring. It provides the necessary certainty and assurance.

The proposed By-law does give prescribed fees, but the above costs and benefits have not been quantified as it is difficult to determine the exact nature of the potential impacts. Most roads and parking areas are not used for a regular commercial purpose and, where they are, the situation will be unique to the particular business enterprise. The potential costs and benefits cannot be generalised in any quantified form.

Nevertheless, an analysis of the abovementioned costs and benefits indicates that the benefits outweigh the costs associated with restrictions on competition. There will be restrictions on the commercial use of this public infrastructure, but these restrictions will result in the protection of public access and safety, together with a more orderly and efficient use of the facilities for the occasional commercial purpose. Any potential restriction to competition can be justified in the public interest.

6 Assessment of economic, environmental or social impacts

The following table assesses the economic, environmental and social impacts of the By-law.

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		Direct Impacts	Indirect Impacts
Economic	Benefits	<ul style="list-style-type: none"> Provides for works and commercial use within the road reserve in an orderly manner. Business can generate additional income through the appropriate use of adjoining public land. 	<ul style="list-style-type: none"> Facilitates appropriate activities whilst maintaining access and standards. Council can obtain fees which may be used to upgrade the related infrastructure.
	Costs	<ul style="list-style-type: none"> May restrict/limit some works or commercial users if a permit is not granted. 	<ul style="list-style-type: none"> Increased enforcement costs for Council in following up complaints and responding to higher community expectations.
Environmental	Benefits	<ul style="list-style-type: none"> Controls the manner of works and commercial activities by way of permit and associated conditions which includes an assessment against the potential for and extent of environmental harm. 	<ul style="list-style-type: none"> Ensures that discretionary activities are sustainable and do not cause a nuisance.
	Costs	<ul style="list-style-type: none"> Additional measures may need to be taken to ensure that works or commercial activity is undertaken in an environmentally appropriate manner. 	<ul style="list-style-type: none"> Potential for extended time to complete works and increased Council compliance activity.
Social	Benefits	<ul style="list-style-type: none"> Ensures appropriate accessibility to roads and parking areas to all. Reduced potential for adverse visual impact and improved safety re. signage, occupation of roads, mud on roads etc. Increased community interaction and benefit via strategic use of land e.g. street trading. The ability to address equitable use of parking areas. 	<ul style="list-style-type: none"> Provides land use opportunities, via permit, to use roads and car parks for community/social activities.
	Costs	<ul style="list-style-type: none"> Nil 	<ul style="list-style-type: none"> Possible community feeling of overregulation.

7 Discussion of alternatives

Rather than preparing a new Roads and Parking By-law, there are other alternatives.

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Council could do nothing. This is not considered a viable option as Council does have an obligation to ensure that public infrastructure is used in a safe manner. Council has a responsibility to provide for suitable controls that ensure acceptable community access, safety and amenity standards are maintained – and to then also ensure that those controls are enforced.

If no regulatory controls are in place then individuals will determine their own standards and this will in turn lead to an immediate or progressive reduction in the access, safety and amenity conditions associated with this infrastructure. Such an approach would create considerable uncertainty and ambiguity.

Another alternative is to rely on other available or relevant statutory provisions or regulations. Examples of opportunities in this regard include environmental nuisances (*Environmental Management and Pollution Control Act 1993*), anti-social behaviour being referred to the Police, or Abatement Notices (*Local Government Act 1993*). Abatement Notices are issued in circumstances when a person is required to abate a nuisance – such as carrying out the necessary work to remove the nuisance.

These types of other regulatory alternatives do not adequately address the particular uses and activities that may need to be controlled in the vicinity of public roads. There are also benefits in defining the actual activities (within the By-law) that are to be controlled, rather than relying upon very general provisions within other legislation. This more precise definition makes it much clearer to everyone as to what is expected and so reduces arguments and conflicts. It provides the clarity needed for effective enforcement.

The other legislation also does not provide for a permit system to control commercial activities. Without such a permit system Council would either rely upon informal agreements or consider leasing the space to a commercial operator on the basis that it is also available for public use. Both alternative options are inadequate, and Council would prefer to have tighter control on unsafe or unauthorised use.

8 Assessment of public costs and benefits

The Kingborough community will benefit from the introduction of this By-law. This is because it will provide the necessary regulatory safeguards to ensure that people are able to access public roads and parking areas in a relatively safe and unimpeded manner.

The overall intended consequence of preparing a new Roads and Parking By-law is to minimise risk. The By-law protects the built assets and provides improved public safety. It provides a means whereby Council can control inappropriate activity and protect public amenity and enjoyment.

There also are clear financial benefits to Council (and the broader community) in having an appropriate regulatory regime in place that protects the condition of public assets. In a few instances, the proposed By-law will also secure income from commercial operators (street trading) and possibly provide for future parking fees. These funds can be directed towards the upgrade or maintenance of the infrastructure itself.

The roads and parking infrastructure is maintained by utilising public funds and there are clear public benefits in ensuring that these facilities are not being damaged by inappropriate activities. Maintenance and replacement costs are minimised if such activities are regulated. Without such regulation, then there is an increased likelihood of damage taking place or inappropriate use occurring.

Such a By-law is also needed to address the various issues described in this RIS. Existing By-law provisions need to be perpetuated and revised to protect public amenity and public

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safety. In addition, any commercial use requires a permit system that cannot be challenged.

There are significant community costs incurred when there is conflict due to road or parking area obstruction. Unreasonable behaviour or activities need to be regulated. Regulation is the most feasible option to achieve the By-law's objectives and the By-law has been carefully prepared in order to ensure that it imposes the least regulatory burden on the community as possible.

Where fees are imposed for matters such as cost recovery or to establish price signals etc. these will be expressed in fee units which are directly linked to the State Governments fee unit's system. This approach provides for annual increases in fees to keep up with inflation and other factors, over the life of the By-law.

Where permits may be granted, applications will be assessed against criteria such as; the potential for damage, amenity, access, environmental harm, movement of traffic, advertising, size, parking, and any other matter the General Manager considers relevant. This reassures that the permit process is fair and consistent.

9 Proposed public consultation process

Since 2011 Council has functioned with a Roads, Parking and Stormwater By-law. Over this period Council has received feedback from particular stakeholder groups including the general public. This feedback has informed the development of an improved draft By-law.

The proposed future public consultation is to occur following certification by the Director of Local Government, in accordance with Section 156A(6) of the *Local Government Act 1993*. This public consultation will entail:

- Copies of the By-law will be sent to relevant State Government Departments for their review - including Department of State Growth, Crown Land Services (Department of Primary Industries, Parks, Water and Environment), Department of Police and Emergency Management, Department of Justice;
- Advertisements will be placed in the Mercury newspaper advising of Council's intention and seeking public comment;
- An article will be published in a local Kingborough newspaper — such as the Kingborough Chronicle;
- Council will display the proposal on its website, social media and at the Council offices at Kingston and Alonnah (Bruny Island);
- Any person may make a submission to Council regarding the proposed new By-law; and
- Council will consider each submission as part of the consultation process.

18.2 COFFEE CREEK HYDRAULIC ASSESSMENT

File Number: TS2975

Author: Alexander Aronsson, Stormwater Engineer

Authoriser: David Reeve, Director Engineering Services

Strategic Plan Reference

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

Strategic Outcome: 3.5 Management of environmental assets is based on professional advice and strategic planning.

1. PURPOSE

- 1.1 The purpose of this report is to provide a summary of the Coffee Creek Hydraulic Assessment undertaken for Kingborough Council and to seek Council endorsement for recommendations from the study.

2. BACKGROUND

- 2.1 The Coffee Creek Catchment covers areas of Kingston, Huntingfield, Blackmans Bay and the Peter Murrell Conservation Area and drains into the North West Bay.
- 2.2 An increased level of urbanisation of the catchment has occurred over time and is in fact still occurring. The urbanisation has mainly occurred in the upper part of the catchment including intensive paving of roads, concrete aprons and both extensive industrial and residential development. These changes to the catchment characteristics have resulted in Coffee Creek having a higher exposure to flash flooding and increased sediment transportation (erosion) within the waterway due to increase in peak flow.
- 2.3 The May 2018 storm saw many of Coffee Creek's instream ponds and basins overtop and suffer significant storm damage due to a combination of its flash flooding behaviour and the magnitude of the storm. Both Heron Pond (Parks and Wildlife Services) and Huntingfield Pond (Council) were particularly damaged and needed rectification works to reduce the risk of dam failure and further environmental degradation of the creek from ongoing erosion.
- 2.4 A major future development is planned for within the catchment by Housing Tasmania - the Huntingfield development. With the already known issues of flash flooding and erosion along the creek, it is important for Council to gain detailed flood information regarding the natural waterway to better inform future planning decisions, risk management and ongoing creek management. These were all drivers for undertaking a detailed hydraulic assessment.

3. STATUTORY REQUIREMENTS

- 3.1 Under *Land Use & Approvals Act (LUPAA) 1993*, planning and development within the Kingborough Local Government Area is governed by the Kingborough Interim Planning Scheme 2015. Several objectives of the Planning Scheme require responses to flooding, such as: the risk of loss of life and property from flooding is minimised (3.0.6) and that Council must identify areas which are at risk of periodic or permanent inundation from riverine, watercourse and inland flooding (E15.1).

- 3.2 Under the *Urban Drainage Act 2013* Council is required to identify the level of risk from flooding for each urban stormwater catchment in the public stormwater system, of which Coffee Creek forms a significant part.

4. DISCUSSION

- 4.1 The purpose of the Coffee Creek Hydraulic Assessment is to provide Council with flood intelligence that can be used in the preparation of planning controls for development applications, to understand existing and future flood and erosion risk and to develop a catchment management plan using a range of management measures.

The report comprises in excess of 200 pages and has previously been provided to all councillors via the councillor Dropbox. A hard copy of the report will be tabled at the meeting and a copy of the report made available on Council's website.

- 4.2 In completing the Coffee Creek Hydraulic Assessment, the following activities were undertaken:

- Collection and compilation of available historical rainfall, runoff and flood data related to the study area.
- Development of a comprehensive flood model using available data and current best practise, including calibration and validation of the model.
- Production of a range of design flood maps for the Coffee Creek Catchment for the 5%, 1% and 0.5% AEP event. The produced mapping includes climate change scenarios and other sensitivity tests.
- Identification of flooding hotspots along Coffee Creek. Although some overland flow flooding in the upper catchment have been identified, the flood mapping was calibrated to target the accuracy of in-stream flooding. Should any future development occur within a mapped overland flow area, localised flood modelling may be required to identify potential impact and mitigation requirements. Any localised studies can build upon the existing Coffee Creek flood model.
- Undertaking an erosion risk assessment along the creek to identify erosion hotspots and to suggest potential mitigation measures.
- Carry out a future development assessment to understand its potential impact on flooding and waterway health.

- 4.3 The results indicate that:

- Inundation is not a key risk within the Coffee Creek Catchment with only a few properties exposed to flood hazard category H1 (generally safe for people, vehicles and buildings).
- A total of 12 locations were assessed for erosion risk and were categorised accordingly:
 - i. three locations are 'High risk and actively eroding';
 - ii. three locations have 'Median risk of erosion';
 - iii. five locations have 'Low risk but high potential to future development'; and
 - iv. one location is at 'Low risk of erosion'.

- Future development in the catchment, based on the current planning scheme, may cause a significant change to flood behaviour at three locations (hotspots):
 - i. Hotspot 1 located north of Algona Road;
 - ii. Hotspot 2 includes the tributary west of Nautilus Grove and a section of Coffee Creek south of Penrhyn Pond; and
 - iii. Hotspot 3 located south of Heron Pond and is a result of the Huntingfield development.
- 4.4 A catchment management plan was developed to mitigate the risks in the Coffee Creek Catchment. A range of management measures were considered (both structural and non-structural measures).
- 4.5 The plan identified that the most effective mitigation measures to reduce the risk of flooding and erosion in Coffee Creek are non-structural measures and include:
- Introduction of catchment specific planning controls/guidelines to inform the planning processes;
 - Development of a stormwater management and waterway protection strategy for the catchment;
 - Undertaking local flood and erosion community awareness programs; and
 - Undertaking channel and riparian zone revegetation and/or assessing and potentially implementing structural measures to reduce the erosion risk at the three high risk areas.

5. FINANCE

- 5.1 The Coffee Creek Hydraulic Assessment had a total funding of \$62,000.00 and it has been completed on budget.
- 5.2 Future works arising from this study will require both capital and operational expenditure. The timing and extent of any such works will be determined on further investigations, available budget, and resourcing.

6. ENVIRONMENT

- 6.1 In-creek erosion may have a negative impact on waterway health as it may result in high levels of suspended solids in the water. High levels of suspended solids may decrease water's natural dissolved oxygen levels and can increase water temperature. This may in turn prevent organisms living in the water to survive. Understanding existing and future erosion risk in Coffee Creek and what management measures are available for consideration is critical to improve the condition of the creek as a habitat for aquatic organisms.
- 6.2 Other environmental considerations beyond waterway health have not formed part of this study.

7. COMMUNICATION AND CONSULTATION

- 7.1 There has been no community communication or consultation in relation to this study to date.

- 7.2 The complete finalised flood study will be publicly available on Council's website.
- 7.3 Should community members have any concerns in relation to the completed study, they can raise these on the online forum for Council officers to respond to.
- 7.4 No further community engagement has been planned for at this stage.

8. RISK

- 8.1 The principal purpose of this study is to classify the existing and future flood and erosion risk within the catchment during extreme weather events and, where applicable, develop mitigation strategies to manage those risks.

9. CONCLUSION

- 9.1 This report has provided a summary of the extensive Coffee Creek Hydraulic Assessment resulting in several recommendations for Council endorsement.

10. RECOMMENDATION

That Council:

- (a) Incorporate the 1% AEP storm event (year 2100), as identified in the Coffee Creek Hydraulic Assessment, into Council's planning process;
- (b) Engage with the community about the result of this study via Council's website and online forum; and
- (c) Further investigate, and where appropriate, implement relevant aspects of the Catchment Management Plan for Coffee Creek.

ATTACHMENTS

NIL

18.3 COMMUNITY GRANTS 2020/2021 ROUND 2

File Number: 10.217

Author: Julie Alderfox, Community Development Officer

Authoriser: Dr Katrena Stephenson, Director Environment, Development & Community

Strategic Plan Reference

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

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

1. PURPOSE

- 1.1 The purpose of this report is to provide Council with recommendations of funding allocations for projects from round two of the 2020/2021 Community Grants program.

2. BACKGROUND

- 2.1 Applications for Council's Community Grants were advertised in March and April with a closing date of 10 May 2021.
- 2.2 This financial year there have been two grant rounds. This report makes recommendations arising from the second round with a total of 17 applications received, seeking a total of \$44,298.00.

3. STATUTORY REQUIREMENTS

- 3.1 Grants are required to be listed in Council's Annual Report in accordance with *Section 77 of the Local Government Act 1993*.

4. DISCUSSION

- 4.1 In the 2020/2021 budget, Council made an allocation of \$40,000 to fund the Community Grants Program. \$24,727 is available for this round.
- 4.2 The applications as listed in the attached table have been assessed against guidelines and selection criteria and are provided for Council's consideration.
- 4.3 In accordance with the guidelines, the recommended grant for each recipient totals no more than 50% of the total project cost.
- 4.4 An amount of \$24,727 is recommended to fund projects that meet the criteria for Round 2 of Council's 2020/2021 Community Grants program.
- 4.5 The attached table provides details of each of the grant applications received and subsequent recommendations for Council's consideration.
- 4.6 Successful Round 2 applicants will be formally announced as soon as practical after this meeting.

5. FINANCE

- 5.1 An amount of \$40,000 was budgeted for the 2020/21 Community Grants. \$15,273 was expended in Round 1, leaving \$ 24,727 available for Round 2. If the recommended allocations are approved, the funding will be fully expended.

6. ENVIRONMENT

6.1 There are no environmental implications associated with this report.

7. COMMUNICATION AND CONSULTATION

7.1 The Community Grants program was widely advertised in the local print media, on social media and information was sent directly to an extensive database of community organisations.

8. RISK

8.1 No risks to Council are identified in relation to this matter.

9. CONCLUSION

9.1 A total of 17 applications were received for Round 2, seeking a total of \$44,298. Following assessment against the criteria, grants to the value of \$24,727 are recommended for funding.

10. RECOMMENDATION

That Council approve the allocation for funding as outlined in the attached table.

ATTACHMENTS

1. List of Grant Applicants

Public Copy

No.	Applicant	Project	Amount	Recommendation
1	Kingston Beach Golf Club	Clubroom heating & electrical upgrade	\$3000	Nil
2	Bruny Island Environment Network	Assistance with Bird Festival on Bruny Island	\$3000	\$550 for hall hire
3	Taroona Neighbourhood Garden	Garden bed repair & replacement	\$2800	Partial funding \$1000 for raised garden infrastructure
4	Boronia Girl Guides	Driveway resurfacing and drainage at hall	\$3000	Encourage to reapply when matching funds are sourced.
5	North West Bay Golf Club	Purchase of junior program equipment – golf clubs etc	\$2000	\$2000
6	Kingborough Gymnastics	Upgrade of pommel horse and safety padding for gymnasts	\$3000	Nil
7	Birdlife Tasmania	Produce Kingborough bird walks brochure	\$1880	\$1880
8	Friends of North Bruny	Microplastics collection project on Bruny Island	\$3000	\$3000
9	Kingborough Community Missions	Short term food relief for disadvantaged people in Kingborough	\$3000	Nil
10	Kingston Tennis Club	Community and spectator seating	\$2518	\$2197
11	Dementia Friendly Tasmania	Self-care workshops for older people living in isolated areas. (Alonnah, Middleton & Snug)	\$3000	\$3000
12	Woodbridge Hall Management Committee	Supper Room Comfort – purchase of floor rugs	\$800	\$800
13	Taroona Ex-Services Club	Defibrillator purchase for Taroona Community Hall	\$1300	\$1300
14	Kingston High School Association	Mural project at Kingston High School	\$3000	\$3000 with guidance from Urban Designer if impacting street view.
15	Ten Lives Cat Centre	Cat education project in schools	\$3000	Nil
16	South East Tasmanian Aboriginal Corporation	Assistance with Ngune Healing Country Festival on Bruny island	\$3000	\$3000 with understanding that it is one-off support.
17	Kingston Beach Coastcare Group	Insect Education/display/workshops in Kingston	\$3000	\$3000
TOTAL			\$44,298	\$25,048

18.4 RIVERDALE ROAD - WALKWAY ACCESS

File Number: 5759374

Author: Sean Kerr, Property Officer

Authoriser: Daniel Smee, Director Governance, Recreation & Property Services

Strategic Plan Reference

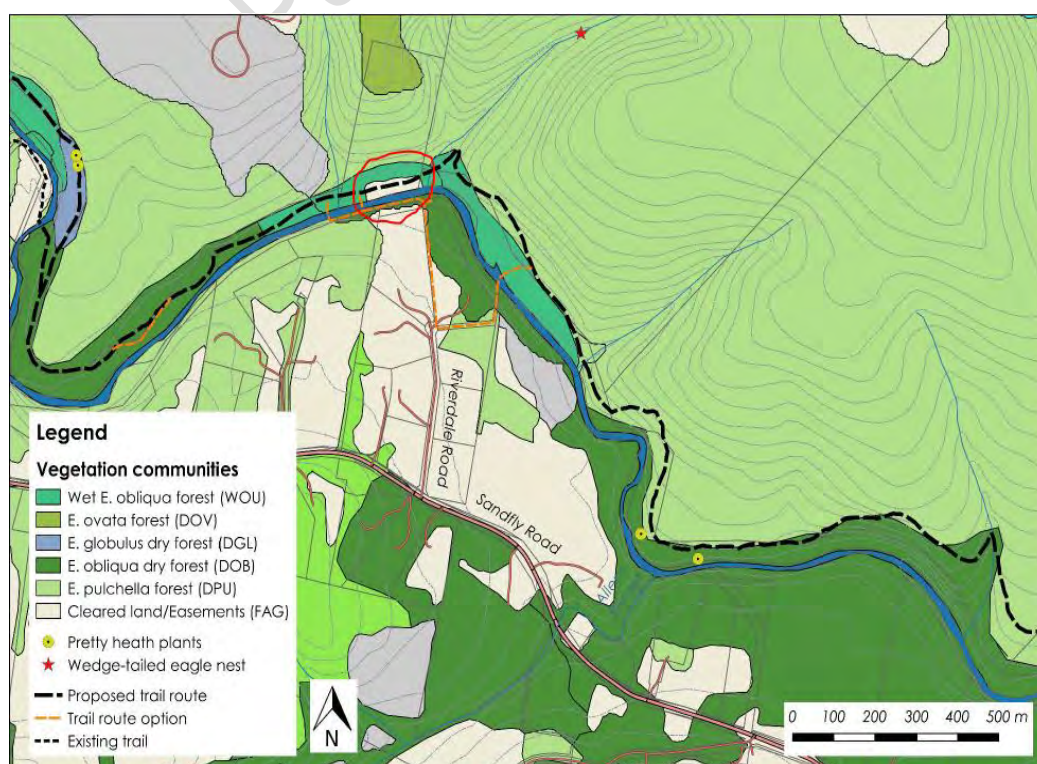
Key Priority Area: 1 Encourage and support a safe, healthy and connected community.
 Strategic Outcome: 1.5 An active and healthy community, with vibrant, clean local areas that provide social, recreational and economic opportunities.

1. PURPOSE

- 1.1 The purpose of this report is to consider a proposal for an agreement to facilitate public access over private land required for the development of the proposed Stage One of the North West Bay River trail from Riverdale Road to the Huon Highway.
- 1.2 The owner of the land in question is prepared to grant Council a permanent public right of way in exchange for a lease over a section of Council land.

2. BACKGROUND

- 2.1 The Kingborough Tracks and Trails Strategic Action Plan identifies linkages to the North West Bay River links as a "Priority 1".
- 2.2 Council commissioned a Feasibility Study for a Multi-use Trail in 2020 along the North West Bay River which was unanimously endorsed by Council.
- 2.3 The map below shows the proposed route in black; the red circle shows the area required for public access over private land.



- 2.4 The area below, highlighted in yellow, is the area that the landowner of 35 Riverdale Road wishes to lease from Council in exchange for allowing the public right of way to be permanently established. This landowner owns the land on both sides of the river.



- 2.5 The proposed agreement would have the landowner grant the right of way in exchange for the lease of the area shown in yellow, for a period of ten years.

3. STATUTORY REQUIREMENTS

- 3.1 As the land in question is classified as Public Land and a lease term more than five years is contemplated, it is necessary for Council to publicly advertise its intent in accordance with Section 178 of the Local Government Act 1993.

4. DISCUSSION

- 4.1 Alternative routes have been considered but none offer the convenience and accessibility of the one proposed by the feasibility study.
- 4.2 A valuation was conducted of the proposed permanent right of way and the land that is proposed to be leased for ten years and the values are almost identical.
- 4.3 The landowner has requested an option for a further ten years and if approved would require a further valuation at the end of the first ten years and a market rental being applied to the second ten-year period.

5. FINANCE

- 5.1 The valuation conducted in April of this year established the value of the proposed right of way at \$1,400.

5.2 The value for the leased land was established at \$150 per annum. (Ten-year lease \$1,500)

5.3 Council would pay all legal costs and fencing of the right of way.

6. ENVIRONMENT

6.1 There are no environmental issues raised by this proposal.

7. COMMUNICATION AND CONSULTATION

7.1 The sale or leasing of Council land classified as Public Land is subject to the provisions of Section 178 of the *Local Government Act 1993* and as such, any proposal to dispose of this land must be advertised twice in a daily newspaper circulating in the municipal area and the public provided with an opportunity to make representations.

8. RISK

8.1 In the absence of agreement being reached on this matter, there is a risk that the North West Bay River trail won't be able to proceed.

9. CONCLUSION

9.1 The establishment of a public right of way across a section of privately owned land at 35 Riverdale Road is critical to the creation of the North West Bay River trail.

9.2 An in-principle agreement has been reached with the landowner to grant Council an easement over this land to allow public access in exchange for a lease of Council owned land for a period of ten years.

10. RECOMMENDATION

That Council:

- a) Advertise its intent to lease land at Riverdale Road for an initial ten-year period at a peppercorn rental with an option for a further ten years with rent to be at market valuation.
- b) Subject to there being no objections received to the proposed lease, authorises the General Manager to enter into an agreement with the owner of 35 Riverdale Road to secure an easement required to facilitate access for the proposed North West Bay River trail.
- c) Acknowledges that the proposed peppercorn rental applied to the first 10 years of the lease agreement has been discounted in lieu of the equivalent value of the easement acquired by Council to achieve a right of public access required to create Stage One of the North West Bay River trail.

ATTACHMENTS

Nil

18.5 TAROONA PARK (PROPOSAL TO FUND ADDITIONAL SEATING): FURTHER INFORMATION

File Number: 20.125

Author: Paul Donnelly, Urban Designer

Authoriser: Daniel Smee, Director Governance, Recreation & Property Services

Strategic Plan Reference

Key Priority Area: 2 Deliver quality infrastructure and services.

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

1. PURPOSE

- 1.1 The purpose of this report is to provide additional information in relation to procurement and selection of park furniture assets. This report should be read in conjunction with a previous report on this matter (ref. item 17.5 - Ordinary Council Meeting Agenda No. 9 - 17 May 2021).

2. BACKGROUND

- 2.1 At the Ordinary Council Meeting held on May 17, Councillors voted to defer agenda item 17.5, pending the submission of additional information relating to product selection, pricing, and procurement. Councillors' queries related to:
- 2.1.1 Procurement of goods from local suppliers (inferring Tasmanian based suppliers should be given precedence over those based elsewhere);
- 2.1.2 Total purchase price per unit, and;
- 2.1.3 Selection of seats with additional 'third' armrest to provide the utmost inclusive design outcome.

3. STATUTORY REQUIREMENTS

- 3.1 Council maintains a series of policies that describe the organisation's operational procedures, in accordance with the Local Government Act 1993.
- 3.2 Council's procurement procedures are outlined in Council Policy 3.7: 'Purchasing Policy' (updated 2020 – herein the 'Policy'). The Policy states that local suppliers will be encouraged to *compete* to provide goods and services (ref. 3.1e).
- 3.3 The Policy provides the following definition of 'local supplier':

Local Supplier means a supplier both having a business premises within Kingborough Municipality and liable for payment of rates to Kingborough Council. (ref. 2.7)

- 3.4 The Policy does not require Council to give preference to 'local suppliers' over those located outside of Kingborough. Similarly, the policy is silent on procurement of goods and services from within Tasmania (or elsewhere).

4. DISCUSSION

- 4.1 The purpose of the original report was to authorise the release of funding from the Public Open Space reserve account in order to install additional seating in Taroona

Park. The report provided background information in relation to the proposed works to give context to the funding request; however, these works did not constitute the principal subject of the report. Further information in response to Councillors' enquiries is provided below.

- 4.2 The assessment, selection, procurement, installation, and maintenance of street and park furniture are subject to inputs from suitably qualified and experienced staff from the Works Department (through the Parks & Reserves Crew) with oversight provided by the Urban Designer and Manager Works Department.
- 4.3 In addition to matters relating to 'local suppliers' under the Procurement Policy (ref. 3.2 above), Council is required to obtain goods and services at "best value" by, at a minimum, taking into consideration "... factors such as price, quality, and availability". This means, within the context of a discrete project, value may not necessarily be defined on the basis of cost alone. Other factors such as product durability and continuity of supply (including supplier reliability) are also taken into consideration when assessing 'value'.
- 4.4 Street and park furniture assets can be subject to intensive use and are susceptible to vandalism and accidental damage. This means component parts may be required (sometimes on a regular basis) in order to rectify damage.
- 4.5 The ability to source component parts, or replace whole assets, is influenced by the availability of a particular product or component part in the marketplace. Products are occasionally withdrawn from sale, or a manufacturer or supplier may cease operations. Consideration is therefore given to supplier reliability and ready access to component parts when assessing 'value'. These factors are considered highly desirable – and, therefore, contribute to 'value' – in relation to street and park furniture.
- 4.6 When determining value, assessments are also made of a product's construction method (ie. how it is put together). This includes whether or not particular elements of, say, a seat are integral to the main structure or attached (ie. fixed using screws or bolts). For example, armrests that are integral to (ie. welded to or moulded into) the main frame of a seat are more difficult, and in some cases impossible, to replace individually. This means, in the event the armrest is damaged, the entire seat may need to be decommissioned and replaced, which represents an ongoing maintenance burden and additional cost to Council over the life of the asset.
- 4.7 Council's Works Department maintains a stockpile of component parts that can be deployed as needed to rectify damage. The stockpile and reliability of supply means that Council is able to rectify damage within the shortest possible timeframes. Maintenance of the stockpile and access to parts and service over the life of the asset are considered particularly relevant, as these types of assets often have an expected design life of approximately 20 years (and in many cases will remain in situ for much longer if considered safe and fit-for-purpose). Therefore, when assessing value, assessments are also made of a manufacturer's ability to maintain supply through continuity of operations over similarly long timeframes.
- 4.8 Furthermore, the Policy requires Council to give consideration to 'quality' when determining 'value'. There are various factors taken into consideration when assessing quality, including design aesthetic (ie. look and feel), comfort, surface finishes, structural integrity, and maintenance requirements. Quality is also assessed against the intended placement of the street or park furniture asset.
- 4.9 There are several highly reputable suppliers with demonstrated track records of delivering quality products, continuity of operations, and exceptional customer service in relation to street and park furniture across Australia. Selecting suppliers who draw

on the benefits of the national market contributes to safeguarding access to raw materials, parts, service, labour and delivery.

- 4.10 For the reasons outlined above, it is common for Councils to identify a standard (or preferred) street or park furniture product. Kingborough Council maintains relationships with several reputable street and park furniture suppliers, including Street Furniture Australia. The SFA 'Park' seat is used regularly in Council's urban areas and forms the bulk of assets within the 'urban' suite.
- 4.11 The SFA 'Plaza' seat was selected as the preferred product for Tarooma Park as it is considered to be more appropriate to the landscape character at that site, whilst also providing acceptable comfort, durability and value for money. The plaza seat is used elsewhere in Kingborough, including at Kingston Beach. It is anticipated consideration will also be given to utilising the 'Plaza' seat in similar landscape settings elsewhere in Kingborough in the near future.
- 4.12 An additional 'third' armrest is not usually provided as a proprietary alternative on park seating of this type. It is, however, able to be supplied as a customised solution at additional cost. In order to minimise costs, whilst providing additional inclusive amenity, it is proposed that 4x customised seats are supplied with the remaining 8 being standard proprietary items (total number of seats being: 12). Provision of 4x customised SFA Classic Plaza DDA-compliant seats with 'third' armrest would incur an additional cost of \$600.00.

5. FINANCE

- 5.1 Refer to Section 5 (item 17.5 - Ordinary Council Meeting Agenda No. 9 - 17 May 2021) for information relating to the value of the funding request.
- 5.2 Payment authorisation has not yet been given by an Authorised Purchasing Officer, nor has it been sought, in relation to the seating proposal for Tarooma Park, as funding for the works has not yet been secured. It is proposed that funding be released to this project from the Public Open Space reserve account, as this is considered to be the most appropriate source in relation to the project aims.
- 5.3 Purchase of the subject seating will be made in accordance with the Purchasing Policy, including procedures set out in Item 5.6 and Item 5.8d of the Policy.

6. ENVIRONMENT

- 6.1 Refer to Section 6 (item 17.5 - Ordinary Council Meeting Agenda No. 9 - 17 May 2021). There are no additional environmental matters relating to this proposal.

7. COMMUNICATION AND CONSULTATION

- 7.1 Further to the information provided in the previous report to Council, matters relating to broad community consultation are determined in accordance with Council's Communication and Engagement Policy, including Section 1 - Part 5; which requires Council to consult with the community in relation to changes to infrastructure and capital works.
- 7.2 Magnitude of change is considered a determining factor when designing and resourcing consultation activities. In this instance, the magnitude of change to the parkland setting at Tarooma Park is considered to be minimal (meaning the proposed seating will not substantially alter the character or function of the open spaces).

- 7.3 These works are, therefore, considered to be of a relatively minor nature. Consultation to date has, therefore, focused on contact with the proponent (as a representative of the target demographic in the Tarooma community) and completing necessary internal coordination.
- 7.4 It is not considered appropriate to undertake further consultation (with, for example, community interest groups in Tarooma) until project funding is confirmed (subject to this report). Additional consultation, as required, can then be undertaken with a clear understanding of the project parameters.

8. RISK

- 8.1 This proposal will bring the provision of seating within Tarooma Park into line with community expectations, industry standards and best-practice open space planning and design standards and presents minimal risk to Council.

9. CONCLUSION

- 9.1 Background information in relation to this proposed is published in item 17.5 - Ordinary Council Meeting Agenda No. 9 - 17 May 2021.
- 9.2 Council is not required to give preference local (Kingborough-based) goods or service providers, nor is it required to give preference to goods or service providers based in Tasmania (or elsewhere).
- 9.3 Procurement is undertaken in accordance with Council's Procurement Policy.
- 9.4 The selection of park furniture assets is undertaken by suitably qualified and experienced staff; giving due consideration to price, quality, and availability when determining 'best value' in accordance with the Policy.
- 9.5 It is proposed that funding be drawn from the Open Space Account for the installation of 12 new DDA-compliant seats within Tarooma Park, noting this allocation is made at zero cost to the general rate base.

10. RECOMMENDATION

That the amount of \$31,720 be made available from the Open Space Account to fund installation of 12 new park seats within Tarooma Park (in accordance with this report and attachments).

ATTACHMENTS

- 1. Ordinary Council Meeting Agenda No 9 - 17.5 Tarooma Park: proposal to fund and install additional seating (17 May 2021)**
- 2. Tarooma Park - Site Plan - Proposed Seating Locations (May 2021)**

Ordinary Council Meeting Agenda No. 9

17 May 2021

17.5 TAROONA PARK: PROPOSAL TO FUND AND INSTALL ADDITIONAL SEATING**File Number:** 20.125 & 20.87**Author:** Paul Donnelly, Urban Designer**Authoriser:** Daniel Smee, Director Governance, Recreation & Property Services**Strategic Plan Reference****Key Priority Area:** 2 Deliver quality infrastructure and services.**Strategic Outcome:** 2.3 Community facilities are safe, accessible and meet contemporary standards.**1. PURPOSE**

- 1.1 The purpose of this report is to consider a proposal to install additional seating in Tarooma Park in order to improve universal access and active lifestyle outcomes.

2. BACKGROUND

- 2.1 In late 2020 Council received a request from a community member to install additional seats within Tarooma Park. The request was based on an identified need to install at seats in a circuit around the park, spaced approximately 100m apart to provide resting opportunities for elderly users who rely on regular, predictable, and convenient resting facilities (such as seats) in order to safely and comfortably navigate hilly terrain and/or distances.
- 2.2 Currently, elderly users or people with reduced mobility rest on existing seats (which are few and located at irregular intervals) and other landscape features within Tarooma Park, such as large boulders, logs, or similar. The provision of resting facilities (including seating) is considered to be a key outcome of inclusive design. The absence of resting facilities can be a significant impediment to participation for these users.
- 2.3 The initial customer request was assessed by the Urban Designer and considered to be reasonable and in line with Council's Strategic Plan and Open Space Strategy in relation to the provision of recreational facilities that are accessible and meet contemporary community standards.

3. STATUTORY REQUIREMENTS

- 3.1 Design and installation of new seating in pedestrian areas is described in Australian Standard AS 1428.2-1992: *Design for Access and Mobility (Part 2 – Enhanced and additional requirements, buildings and facilities)*. Facilities designed and installed in accordance with AS 1428.2-1992 are considered to be compliant with the Disability Discrimination Act 1992.

4. DISCUSSION

- 4.1 An assessment of existing site conditions at Tarooma Park was undertaken in early 2021 by Council's Urban Designer in response to the request for additional seats.
- 4.2 The current provision of seating within Tarooma Park is considered to be inadequate in respect of contemporary community expectations relating to universal access and inclusive design. Current provisions are also considered to be below landscape industry standards and professional best-practice open space planning and design standards.

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17 May 2021

- 4.3 Investigations have identified that seats are required at 12 locations within Taroona Park, including at the entrance to Taroona Park adjacent to 44 Taroona Crescent and along a loop pathway within the main body of the park, to support universal access, inclusive design, and active lifestyle outcomes.
- 4.4 Future works (outside of the scope of this report) have been identified that will further underpin these outcomes, including the provision of formed pathways connected to the proposed seating locations.
- 4.5 The request for additional seating is made by an elderly member of the community, on behalf of other elderly users and people with reduced mobility. It is proposed that works to install additional seating in Taroona Park be expedited (pending Councillors' decision in relation to this report). It is not considered necessary to postpone works (under this proposal) until future pathway or master planning works can be finalised and funded.
- 4.6 Installation of additional seating in Taroona Park (under this proposal) is considered to be in accordance with the Kingborough Open Space Strategy 2019. The Strategy outlines a vision for open space provision and planning across Kingborough, which aims to:
- Meet the current and future needs of residents, visitors and tourists and the environment by providing, protecting and enhancing well planned spaces for increased physical and social activity, enjoyment and environmental protection.*
(ref. p. 18)
- 4.7 The Strategy requires Council to improve the quality and capacity of open space and recreation facilities by investing in "... support facilities such as... park furniture" (ref. p. 10).
- 4.8 Furthermore, Objective 3 (ref. p. 18) of the Strategy requires Council to provide and maintain open space facilities that contribute to social inclusion, community connectivity, and community health and well-being, by:
- Being responsive to issues such as mobility impairment or disability and social isolation;
 - Supportive of community health and well-being outcomes which promote physical activity through delivery of quality facilities, and;
 - Based on initiatives that improve enjoyment experienced by all ages.
- 4.9 The proposal to install additional DDA-compliant seating in Taroona Park is therefore considered to be consistent with both the vision and objectives of the Kingborough Open Space Strategy 2019.
- 4.10 It is proposed that funding for new seats in Taroona Park be drawn from the Open Space Account.

5. FINANCE

- 5.1 Council procures street and park furniture from various suppliers. The preferred supplier of park seating for this project is Street Furniture Australia (SFA), through their Classic Plaza DDA Seat range, as this will allow efficient management and maintenance of new assets in line with the majority of Council's existing suite of modern park seating.
- 5.2 The estimated cost of the works is:

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- Supply and delivery of 12x DDA*-compliant park seats:
 - \$22,620
- Installation (by Council's Parks & Reserves works crew) of 12x DDA-compliant park seats to concrete slabs:
 - \$6,000 for materials
 - \$2,500 for labour

TOTAL COST:

- **\$31,120 (excl. GST)**

- 5.3 The Recreation and Reserves budget (2020/21) includes an amount of \$20,400 under a line item called *Street Furniture Maintenance*. These funds are expended to maintain and upgrade *existing* street and park furniture assets.
- 5.4 There are currently no other funds allocated to the provision of new street or park seating within the municipality (outside of discrete capital projects).
- 5.5 It is proposed that \$31,120 be drawn from the Open Space Account to fund the provision of 12 new DDA-compliant seats within Taroona Park.
- 5.6 The current balance of the Open Space Account (as at end April 2021) is: \$687,665.
Note: this figure excludes funds committed to capital projects.

6. ENVIRONMENT

- 6.1 A site meeting with members of Council's Parks & Reserves works crew and Natural Resource Management team was convened by the Urban Designer to canvass potential impacts to existing vegetation posed by the installation of new seats and possible future works in Taroona Park.
- 6.2 A walkthrough of the circuit was conducted and staff present identified a number of vegetation-related constraints likely to become relevant if additional supporting infrastructure, such as a formed pathway, was to be installed in the future (outside of the scope of this report). All present agreed acceptable locations for seating can be identified and provided in line with the Customer request and desired vegetation management outcomes for Taroona Park.

7. COMMUNICATION AND CONSULTATION

- 7.1 This proposal is the result of a direct customer request (received in writing to the General Manager in mid-December 2020). Additional consultation with this Customer was undertaken to further understand the background for the request and other relevant user needs.
- 7.2 Internal consultation was undertaken to canvass potential impacts to existing vegetation and vegetation management within Taroona Park.
- 7.3 The request is considered reasonable and to be in line with contemporary community expectations and industry standards. Additional broad community consultation is not considered necessary or appropriate.

8. RISK

- 8.1 Council's reputation is at risk where facilities fall below community expectations and industry standards. This proposal will bring the provision of seating within Taroona Park into line with community expectations, industry standards and best-practice open space

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planning and design standards. Risk to Council's reputation will decrease to negligible if the works in this proposal are completed as described.

9. CONCLUSION

- 9.1 Council has received a request to install additional seating within Taroona Park. The request was submitted by a directly affected stakeholder, an elderly resident who lives nearby, and is considered to be in line with contemporary community expectations and best-practice open space planning and design.
- 9.2 The existing provision of seating within Taroona Park is considered to be inadequate.
- 9.3 The provision of additional DDA-compliant seating within Taroona Park will improve accessibility outcomes for people with reduced mobility (including elderly users) by ensuring users are able to rest as necessary whilst walking within the parkland setting. It will, in turn, contribute to improved physical exercise and social interaction outcomes for those users. The proposal is, therefore, considered to be consistent with the vision and objectives of the Kingborough Open Space Strategy 2019.
- 9.4 It is proposed that funding be drawn from the Open Space Account for the installation of 12 new DDA-compliant seats within Taroona Park.

10. RECOMMENDATION

That an amount of \$31,120 be made available from the Open Space Account to fund installation of 12 new park seats within Taroona Park (in accordance with the attached Site Plan).

ATTACHMENTS

- 1. Taroona Park Site Plan



18.6 DECLARED GREYHOUND EXERCISE AREA

File Number: 12.104

Author: Scott Basham, Compliance Coordinator

Authoriser: Daniel Smee, Director Governance, Recreation & Property Services

Strategic Plan Reference

Key Priority Area: 2 Deliver quality infrastructure and services.

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

1. PURPOSE

- 1.1 The purpose of this report is to recommend that Council declare a greyhound exercise area in the vicinity of the established Kingston View Drive, off lead, dog exercise area and on that declaration taking effect, amend its Dog Management Policy.

2. BACKGROUND

- 2.1 Council, at its meeting held on 15 March 2021, resolved to commence action in accordance with s.24 of the *Dog Control Act 2000* (the Act) to establish a greyhound exercise area (minute C134/5-2021).

3. STATUTORY REQUIREMENTS

- 3.1 S.24 of the Act sets out Council's requirements before it resolves to make a declaration in relation to an area. This includes notifying the public of the area and any conditions relating to the use of the area, inviting submissions, and considering those submissions.
- 3.2 S.25 of the Act requires that Council, via public notice, advises the date on which a declaration made takes effect and the period during which the declaration remains in force.
- 3.3 S.27 of the Act requires Council to erect and maintain signs sufficient to identify an exercise area.

4. DISCUSSION

- 4.1 Council has completed public consultation pursuant to s.24 of the Act. Annexed hereto and marked as Annexure 1 is a copy of the 13 received submissions.
- 4.2 The themes raised within the submissions were:
 - **Size of the exercise area:** Submissions raised that the size of the enclosure was too small. On advice, the size is designed to inhibit the speed of greyhounds. Once usage of the site has been established, it is recommended further assessment take place regarding size, within the Dog Management Policy review.
 - **Internal barriers within the exercise area:** Submissions mentioned the internal barriers and that they were unnecessary. The intent of the barriers is to break the greyhound's line of site and to further reduce their speed within the area.

- **Alternative sites:** Other sites were suggested in the submissions including Dru Point and the current quiet dog area at Kingston View Drive. There was also a suggestion of shared time use of current declared exercise areas. The proposed site was identified following internal officer consultation and external consultation with the Kingborough Dog Walking Association, the Sighthound Appreciation Society Hobart and the Greyhound Adoption Program Tasmania.

4.3 On consideration of the submissions, a new site plan has been developed which shows the internal barriers removed. The fencing has been amended to black PVC coated wire which will provide an improved visual perimeter of the area. If found that internal barriers are required, this can be assessed and funded as appropriate. Annexed hereto and marked as Annexure 2 is a copy of the updated site plan.

5. FINANCE

5.1 Council has approved an allocation of up to \$5,000 from the Public Open Space account to undertake the works.

6. ENVIRONMENT

6.1 As the area is already used for the exercising of dogs, there are no further environmental issues to consider.

7. COMMUNICATION AND CONSULTATION

7.1 Council has conducted internal and external stakeholder consultation. Council has also completed community consultation in accordance with s.24 of the Act and has considered those submissions lodged.

7.2 If Council resolves to establish the greyhound exercise area, a notice will be published in accordance with s.25 of the Act.

7.3 Council will also liaise with external stakeholders to develop interpretative signage for the area that complies with s.27 of the Act.

8. RISK

8.1 No further risks have been identified since this matter was last put before Council.

9. CONCLUSION

9.1 At its meeting held on 15 March 2021, Council resolved to commence action in accordance with s.24 of the Act to establish a greyhound exercise area.

9.2 Council has completed the public notification process and has considered the submissions received.

9.3 It is recommended that Council commence action to declare a greyhound exercise area in the vicinity of the established Kingston View Drive, off lead, dog exercise area.

10. RECOMMENDATION

That Council:

- (a) Note the submissions received as annexed to this report;
- (b) Note the updated site plan as annexed to this report;

- (c) Resolve to declare a greyhound exercise area in the vicinity of the established Kingston View Drive, off lead, dog exercise area;
- (d) Commence action via public notice in accordance with s.25 of the Act; and
- (e) On the declaration taking effect, amend its endorsed Dog Management Policy to reflect the newly established greyhound exercise area.

ATTACHMENTS

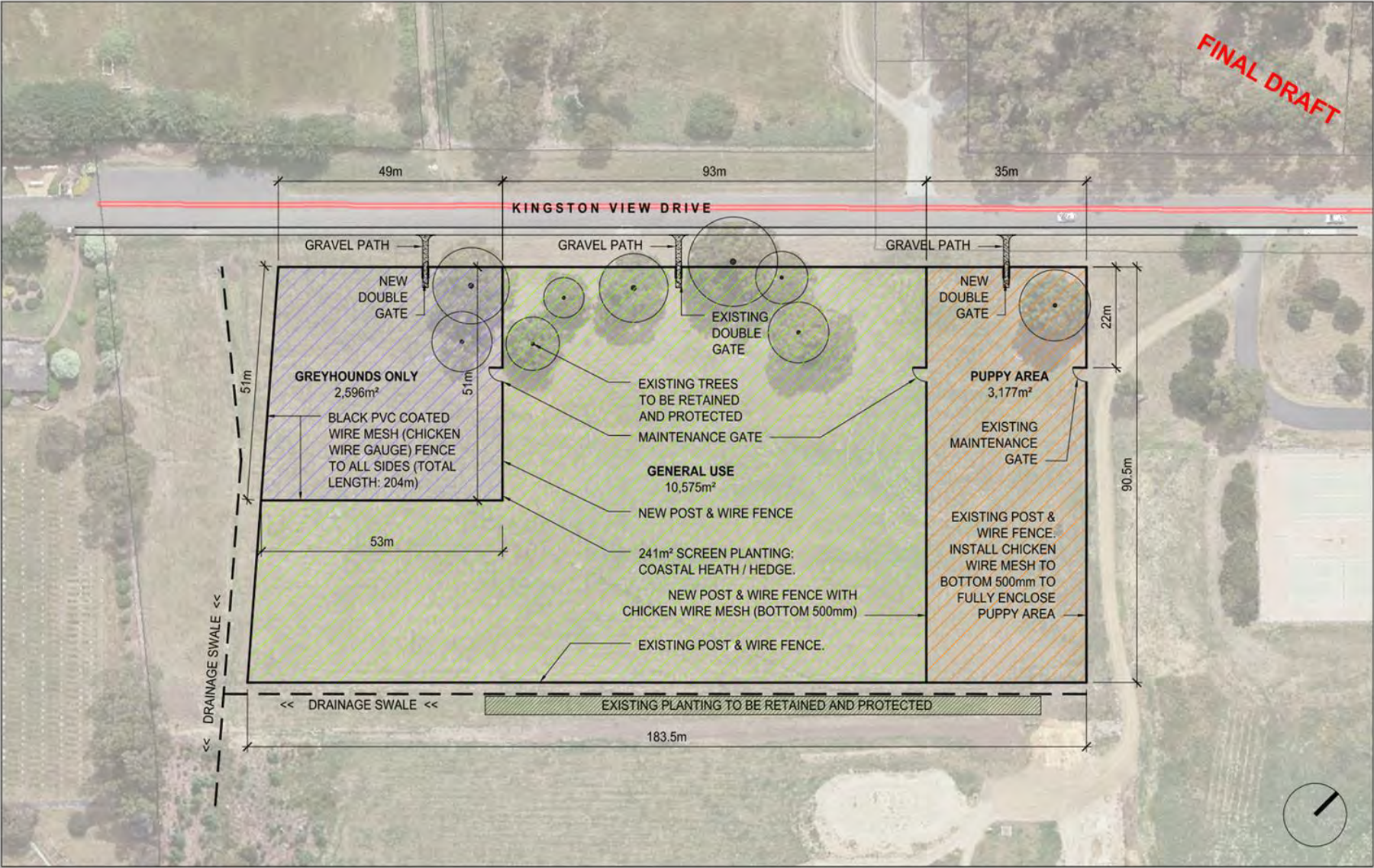
1. Recieved submissions
2. Updated site plan

Public Copy

Submissions - Proposed Greyhound Exercise Area at Kingston View Drive	
Serial No.	Submission
1	<p>As a Kingborough ratepayer and greyhound owner, I am thrilled and supportive of the greyhound-only area at the Kingston View Drive dog park. We would use such a facility regularly. Is there any chance the size could be increased to the bottom of the existing area? That would give more room for them to stretch their legs.</p> <p>Hopefully a water station will be available in this section, like the other sections have.</p> <p>Thank you for supporting the greyhound owners both local and those that will visit Kingston specifically for this facility.</p>
2	<p>I am dismayed to realise greyhounds don't have the same privileges as other dogs. All dog owners should (and expect) the same privileges. However, providing 'greyhound only' facilities will encourage a 'them and us' mentality across owners of different dog breeds. It cannot be the best or only way to address existing discrimination.</p> <p>While wanting to support greyhounds and their owners, I am uncomfortable with the proposal for a greyhound designated area for these reasons:</p> <ol style="list-style-type: none"> 1. The public focus of council (as far as dogs go) should be to foster the management of dogs as companion animals that provide a mental/physical benefit to broad sectors of the community. 2. Publicly funded catering for the needs/industries of individual breeds through provision of special areas for different breeds fosters discrimination and segregation (e.g. greyhounds being made to feel unwelcome in dog areas; greyhound owners making other breeds unwelcome in greyhound areas etc). It is intrinsically divisive. 3. It is counter-productive to discourage socialisation across breeds; it is useful and healthy for dogs (and owners) to be encouraged to socialise across breeds 4. It seems bizarre to remove dogs from a racing industry only to rehome them in social circles that are resourced to foster industry traits and networks. 5. Why can't we play together?: I have a mixed breed who loves running with greyhounds, and who doesn't love watching the crazy bouncy elegance of happy running/playing greyhounds? 6. How much greyhound would a mixed breed need to have to be allowed into greyhound areas? What documentation would be required to demonstrate greyhound heritage? 7. The accounting of dog areas becomes meaningless: e.g. "x hectares allocated for dog use in Kingborough" means nothing if different % of those hectares are accessible by certain breeds only 8. Dog owners are human; discriminating between us is going to create headaches for council ... E.g. If there are going to be special resources for certain breeds, my instinct is to fly the flag for designated public areas being set aside for hounds: many hounds prefer tracking to socialising, and find it difficult in off-lead dog areas because more socially motivated breeds badger them. 9. A less divisive interim measure could be to encourage greyhound use of existing dog areas at particular times (e.g. beach on Wed afternoon, Sports Centre area on Friday morning, etc). This is a fairly natural social (not a compliance or exclusion) method: greyhound owners would want to support each other, and over time people who were concerned about greyhounds would chose to avoid those sites at those times.
3	<p>I would like to express my support and excitement for the proposed greyhound offlead area in the Kingborough area.</p> <p>I have two greyhounds whom are both young and energetic and it can be sad when taking them to the local dog beach (Kingston).</p> <p>Due to the current laws, although both my dogs have passed the necessary assessments to remain muzzle free; they are required to remain on lead. This experience I imagine would be very confusing to them as to why every other dog is able to run and play without restraints.</p> <p>I might add, there are some dogs who visit the beach and display aggressive and reactive behaviours but because there is no law regarding any other breed, owners do not care.</p> <p>I hope this proposed area brings much needed enrichment for greyhounds and owners who continue to follow these restrictions and do the right thing. This will be a much needed step in the right direction.</p>
4	<p>As a regular user of the Kingborough Council's present off-leash areas I was somewhat confused when I heard/read of this proposal.</p> <p>I use the Suncoast, Dru Point, and Kingston View areas on a daily basis with an aging, overweight Beagle. A gentle soul.</p> <p>We frequently meet greyhounds at all 3 venues and Mac will happily play/mix with these 50 kph 'lounge-lizards'. I know of one that will chase a small white dog (given half the chance) but the Owner is well aware of this and keeps this particular dog muzzled. Otherwise they're delightful, gentle, friendly dogs.</p> <p>Why do they require a "separate" off-leash area??</p> <p>If we're talking about Kingston View then the Council should declare the whole of the 'non-puppy' area to be a (non-racing and retired) greyhound off-leash area</p> <p>.... similarly at Suncoast and Dru Point.</p> <p>Deary me. it's taken a band of dedicated people to get the greyhound 'retirees' out of the knackers yard. Their reputation only came about because of their reaction to inhumane treatment and training. A greyhound is no different than any other dog. It behaves according to its' treatment (except in the case of these nasty "American Terriers" that seem to be turning up).</p> <p>Nahhh !!! Save the ratepayers some money and just make the required declarations.</p>
5	<p>I applaud council's decision to embrace greyhound inclusion in dog parks and appreciate the opportunity to comment directly to you.</p> <p>I was one of the greyhound owners that attended the park for the "photo shoot" and article about the proposed greyhound area - I have already stated that I do not agree, in principle, with separating greyhounds. All dogs and dog owners need to share the same space responsibly.</p> <p>However, in light of the current legislation, thank you for thinking about an area for our dogs to run in. HOWEVER, the space you propose is far too small - could I suggest you swap the puppy only area with the proposed greyhound only area?</p> <p>And I would appreciate information from council on why you think barriers are a good idea? These will cause more harm and you'll end up with injured greyhounds and furious owners.</p> <p>Many thanks</p>

Submissions - Proposed Greyhound Exercise Area at Kingston View Drive	
Serial No.	Submission
6	<p>I have owned a grey for 5 yrs.</p> <p>Today I was approached by several people about new greyhound enclosure at KVDP.</p> <p>Considering the already sanctioned off area is rarely used, I consider this a complete waste of time and money.</p> <p>MANY greyhounds use that park and don't cause trouble.</p> <p>I'm concerned that the grey (a most athletic breed) has been given a very small area, the area is boggy and smells near the fence pipes, is this the true colours of REDACTED shining through, you bet it is.</p> <p>I'm surprised REDACTED would accept second best for her grey, when she states an all grey park, wouldn't Work????</p> <p>The exact thing will happen in this enclosure, people will come that have never had their grey accustomed to parks and there will be fights and greys will get banned altogether, and this too will please REDACTED.</p> <p>I'm also surprised REDACTED even had a say, I have never seen REDACTED in that park once in 5 years. And of all people REDACTED should realise the work that's been done to try and get greys accepted as a normal dog.</p> <p>Doing this is like going in a time warp machine backwards.</p> <p>My other concern is what happens if you take 2 breeds to park, you can't be in two places at once, to keep in check or pick up their faeces.</p> <p>Considering how much dog area we lost at Kingston Park, I think KVDP should stay as it is, maybe spend some money on watering the grounds before it becomes as arid as East Coast Park.</p> <p>#REDACTEDbullies# real estate co#grey haters#wannabe PM.#garbage</p> <p>Thanks for your time</p>
7	<p>I fully support this initiative as Greyhounds do have special needs for both legal and health reasons. Greyhounds have thin skin and fine bones and can easily be injured by more boisterous dogs. I, in fact, had to have to have a Greyhound put down following an attack by another dog (Grey was on lead other dog was off).</p> <p>However I do not understand the size and barriers. Greyhounds love to do Zoomies in circles and needs space for this. The proposed barriers are likely to cause injury if a greyhound does try to run.</p> <p>Puppies need less space to run but also to make it easier for new owners to catch them before they are fully trained. I believe the puppy area at Dru point is a good size for this.</p> <p>So I ask that the Greyhound space is big enough for them to run and that the barriers be removed as they will defeat the whole purpose of a safe, off leash, exercise area for these beautiful dogs.</p> <p>Thank you for your consideration</p>
8	<p>I write in support of the proposal to create a greyhound exercise area in Kingston View Drive Dog Park.</p> <p>As the owner of a greyhound, I have to travel from West Moonah to Gardner's Bay to a friend's property to let him run off lead. This doesn't happen very often, which is a shame considering how much he enjoys a good run, and I am absolutely certain it is excellent for his mental health. It is also an excellent social opportunity for these dogs, who thoroughly enjoy each other's company and almost always get along well.</p> <p>Travelling to Kingston is a much shorter commute, and one I am more likely to take more often. By travelling to Kingston to use the park, I also anticipate spending more time in the area, with other greyhound owning friends.</p> <p>I hope that the laws in Australia will change to match those overseas, where greyhounds are not restricted to exercising on lead in public places. The recent change to muzzling laws was a step in the right direction, but we have a long way to go to catch up. In the meantime, the proposed greyhound only exercise park is a positive move.</p> <p>I am concerned about the design of the park. The information provided on the website doesn't give any context to the design, and I would appreciate some clarity on the background for the decisions that have been made. The zig-zag hedging seems an unnecessary design choice, as I can't see how this would improve the experience for greyhounds. I also don't understand why large and long-strided greyhounds get a smaller area than the puppy space on the other side of the park.</p> <p>Thank you for taking the time to consider this proposal.</p>
9	<p>To whom it may concern,</p> <p>As a greyhound owner who lives outside the Kingborough Council area but regularly visits I write in support of the proposed Greyhound off leash area in Kingston.</p> <p>I hope the establishment of areas where people can legally exercise their greyhounds will encourage more people to adopt these gentle loving dogs who have so much to give, and make the Kingborough Council area a more attractive place for people to live and visit.</p> <p>I have visited the site as part of the Council's press release, myself and my dog Flicka can be seen in the photo and I have some concerns about the layout of the park. The barriers I consider dangerous and unnecessary, I assume they are to slow dogs whilst running, but I feel that forcing dogs to change direction multiple times will lead to more injuries. The length of the park is very short - only 51 metres. Could the proposed area be swapped with the Puppy zone to allow for better movement though the area? The similar park in Launceston is more than double in length.</p> <p>Kind Regards</p>
10	<p>Many thanks for addressing the need for an off leash greyhound park in Kingborough. We would fully support a park for the exclusive use of greyhounds as they have so few areas that they can run off leash in Tasmania and especially with other greyhounds. They are very social and sensitive animals that come from often very awful beginnings and deserve to be able to run and play off leash. Tasmanians have adopted thousands of greyhounds and have given them much better lives but the dogs do need and deserve an off leash area like the one you are proposing.</p> <p>Please make this happen as it is much needed and would be used by us, for our greyhound, and many others in the surrounding communities.</p> <p>Kind regards</p>

Submissions - Proposed Greyhound Exercise Area at Kingston View Drive	
Serial No.	Submission
11	<p>Hi!</p> <p>I would fully support a greyhounds only part of the park, I think it is the safest idea for greyhounds and other breeds to both be able to exercise and run around without fear of any incidents occurring</p> <p>Thanks</p>
12	<p>Hi my name is REDACTED and I have 2 beautiful rescued Greyhounds.</p> <p>Firstly I would like to thank you for considering our beautiful hounds and considering building a greyhound off-lead area.</p> <p>I do not live in your municipality but I would happily drive to Kingston to be able to use your Greyhound off-lead area. As you know here in southern Tasmania there are no public areas that we can take our greyhounds to run and play.</p> <p>The only thing I would say is I do not understand the area that you are proposing and why there is what looks like two fences. This does not give our greyhounds a chance to run and could be dangerous. The area proposed as a puppy area would be so much better. Greyhounds need to be able to stretch there legs. After racing greyhounds don't really have much of a chance to do this especially with other greyhounds.</p> <p>I will still bring Addy and Lucy to Kingston so they can use your off-lead area.</p> <p>Again thank you for your consideration in building a greyhound off-lead area.</p>
13	<p>Hi</p> <p>I have just realised that I have missed the cut-off date for submissions regarding this issue. The invite to submit was not well-advertised and I only happened to see it in an old issue of Kingborough Times, which is not delivered to my residence.</p> <p>I understand that the Council has an obligation under State legislation to provide a separate off-lead exercise area for greyhounds. Given this, I believe it should not be located within the existing dog park area. This will be both to the detriment of greyhounds (as the area is too small to provide them with a decent off-leash run) and also the other dogs using this park. The park area has already been reduced with the fencing off of the puppy area.</p> <p>There appears to be Council land adjacent to the dog park on the upper boundary (adjacent to the cemetery) or alternative sites in the area that would provide a longer run for greyhounds and not detract from the existing facility.</p> <p>Personally, I have never encountered any problems with greyhounds attending the park and cannot understand why this breed has been singled out. Given this requirement though, I urge the Council to find an alternative site for the greyhound facility.</p>



18.7 POLICY 3.14 - RATES AND CHARGES POLICY

File Number: 12.191

Author: Tim Jones, Manager Finance

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 Rates and Charges Policy.

2. BACKGROUND

2.1 The Council approved the current Rates and Charges Policy in June 2019.

3. STATUTORY REQUIREMENTS

3.1 Section 86B of the Local Government Act 1993, states each Council must prepare and adopt a Rates and Charges Policy at least every four years.

4. DISCUSSION

4.1 There are only minor changes to the Policy. These are:

4.1.1 Insertion of a closing bracket in 1.4,

4.1.2 Adding organic waste collection in section 5.6,

4.1.3 Removal of a duplicated paragraph in section 8.1 and 8.2, and

4.1.4 Update for the new Strategic Plan in section 9.1.

5. FINANCE

5.1 The changes to the Policy will not affect finances.

6. ENVIRONMENT

6.1 There are no environmental issues associated with this matter.

7. COMMUNICATION AND CONSULTATION

7.1 The updated Policy will be placed on Council's website.

8. RISK

8.1 The Policy is aimed at providing ratepayers information about the way Council determines and collects rates from the community. By having a clear Policy, it reduces the risk of ratepayers misunderstanding the application of rates to their property.

9. CONCLUSION

- 9.1 The update to the policy adds the Organic Waste collection which Council now offers and some other minor amendments.

10. RECOMMENDATION

That the updated Rates and Charges Policy be approved and implemented.

ATTACHMENTS

1. Rates and Charges Policy with track changes
2. Rates and Charges Policy - new policy

Public Copy

ORIGINAL POLICY WITH TRACK CHANGES



Policy No: 3.14
 Approved by Council: June 2021¹⁴⁸
 Next Review Date: June 2023²⁴
 Responsible Officer: Manager Finance

Minute No: C432/12-19
 ECM File No: 12.191
 Version: 1.0

Rates and Charges Policy	
POLICY STATEMENT	<p>1.1 In Tasmania, Council rates are a form of property tax levied by Local Government as the primary source of funding for the many mandatory and discretionary services that are provided. Rates are administered in line with the <i>Local Government Act 1993</i> which allows some flexibility for each Council to make decisions that suit its local community.</p> <p>1.2 As rates are a method of taxation, the total amount of rates paid may not directly relate to the services used by each ratepayer.</p> <p>1.3 Property values (set by the Valuer-General) play an important role in determining how much each individual ratepayer contributes to the cost of delivering Council services and activities. The <i>Local Government Act 1993</i> expects that the higher the value of the property the higher the rates to be paid.</p> <p>1.4 All land within a Council area, except for land specifically exempt (eg. Crown Land, Council occupied land and other prescribed land) is rateable. Council also raises revenue through fees and charges, which are set, giving consideration to the cost of the service provided and any equity issues.</p>
DEFINITIONS	<p>2.1 Part 9, Section 86, of the <i>Local Government Act 1993</i> comprises the definition of key terms applicable to the rating processes of Local Government.</p>
OBJECTIVE	<p>3.1 The objectives of this policy are to outline Council's approach to determining and collecting rates from its community.</p> <p>3.2 This policy will meet the requirements of Section 86B of the <i>Local Government Act 1993</i>, which states each Council must prepare and adopt a Rates and Charges Policy.</p>
SCOPE	<p>4.1 This policy covers:</p> <ul style="list-style-type: none"> • The relationship between Council's strategic plans, its budget and rates structure • Council's revenue raising powers • Method used to value land • Adoption of valuations • Differential general rates • Minimum rate • Concessions • Payment of rates • Late payment of rates • Recovery of rates • Sale of land for non-payment of rates • Remission and postponement of rates • Rebate of rates • Disclaimer

PROCEDURE (POLICY DETAIL)	<p>Strategic Focus</p> <p>5.1 Council is faced with balancing its service levels, the needs and expectations of the community and setting appropriate tax levels to adequately resource and fulfil its roles and responsibilities. In determining rates for the financial year Council gives primary consideration to:</p> <ul style="list-style-type: none"> • Council's Strategic Plan, • Council's Long Term Financial Management Plan, • the <i>Local Government Act 1993</i>, • current economic climate, and • likely impacts on the community <p>The resources required to successfully achieve this outcome are documented in the annual plan.</p> <p>Rates in Kingborough</p> <p>5.2 Kingborough Council considers the combined use of service charges and variable charges (rate in the capital value dollar) per rateable property provides the fairest and most equitable method of charging rates to our Community.</p> <p>5.3 Council considers the imposition of a minimum general rate is the most fair and equitable means of ensuring that all ratepayers contribute equally to the administration of Council's services and the development and maintenance of the Community's infrastructure.</p> <p>5.4 Council adopts the Capital Value (CV) as determined by the Valuer-General as the valuation method to be used in determining rates.</p> <p>5.5 Council levies a Stormwater Removal Service Rate on all properties to fund current and future Stormwater Infrastructure requirements.</p> <p>5.6 Annual service charges also apply for the collection and disposal of garbage, organic waste and recycling on a per waste bin basis.</p> <p>5.7 Council collects three fire rate levies on behalf of the State Fire Commission based on the cents in the CV dollar, with a minimum fire levy charge.</p> <p>5.8 There are a number of properties which are public, educational, religious or charitable in use or ownership and which are in part or in full exempt from the general rate.</p> <p>5.9 Council considers that the CV method of valuing land provides a fair method of distributing the rate burden across all ratepayers on the following basis:</p> <ul style="list-style-type: none"> • Rates constitute a system of taxation and the equity principle of taxation requires that ratepayers of similar wealth pay similar taxes and ratepayers of greater wealth pay more tax than ratepayers of lesser wealth; • Property value is a generally accepted indicator of wealth, and capital value, which closely approximates the market value of a property, provides the best indicator of overall property value. <p>5.10 Council adopts the "CV" as assessed by the Valuer-General as the valuation method to be used in determining rates. If a ratepayer is dissatisfied with the valuation made, the ratepayer may object to the Valuer-General in writing.</p> <p>5.11 Council has no role in the assessment of objections. The lodgement of an objection does not alter the due date for the payment of rates. Rates must be paid in accordance with the Rate Notice until otherwise notified by Council.</p> <p>Objections to rates notice</p> <p>5.12 Council will consider any objections to rate notices in accordance with Section 123 of the <i>Local Government Act 1993</i>.</p>
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	<p>Rate Concessions</p> <p>5.13 The State Government, in providing equity across Tasmania, funds a range of concessions in relation to Council rates. The concessions are administered by various State Government agencies that determine eligibility and pay the concession directly to Council on behalf of the ratepayer. Concessions are available only on a ratepayer's principal place of residence.</p> <p>5.14 Ratepayers seeking a rate concession are not to withhold payment of rates pending assessment of an application by the State Government. Rates must be paid in accordance with the Rate Notice</p> <p>5.15 A refund will be paid to an eligible person if Council is advised a concession applies and rates instalments have already been paid.</p> <p>Payment of Rates</p> <p>5.16 Council rates are payable by four equal instalments in August, October, January and April. The total outstanding balance of rates may be paid in full at any time. Any arrears outstanding are payable with the first instalment.</p> <p>5.17 Any ratepayer who may, or is likely to, experience difficulty with meeting the standard quarterly payment should contact the Rates Department to discuss alternative payment arrangements. Such enquiries are treated confidentially by Council.</p> <p>Late Payment of Rates</p> <p>5.18 Council has determined that penalties for late payments will be imposed in accordance with the provisions of the <i>Local Government Act 1993</i> and relevant Council procedures.</p> <p>5.19 A penalty of 5% of the unpaid rate may be imposed on instalments not paid by the due date.</p> <p>5.20 Daily interest at a rate set by Council's annual Rate Resolution will be applied in respect of the unpaid rate or instalment for the period during which it remains unpaid.</p> <p>Recovery of Rates</p> <p>5.21 In accordance with sound financial management principles, Council's Rates Department will apply prudent debt management practices to Rate Debtors. This includes an ongoing review of rates in arrears and following a systematic debt recovery approach.</p> <p>5.22 Rates, which remain in arrears for a period exceeding 30 days from the due date of an instalment, will be subject to recovery action.</p> <p>5.23 Council will seek to recover a rate debt through legal Court proceedings if an amount remains overdue in excess of 90 days.</p> <p>5.24 Prior to taking legal action Council will provide a notice in writing of its intention to recover the outstanding debt through the Courts and provide 14 days for payment prior to lodging the outstanding debt with its solicitors.</p> <p>5.25 Prior to taking legal action Council will take all reasonable steps to establish a payment arrangement or negotiate settlement of the outstanding debt.</p> <p>Sale of Land for Non-payment of Rates</p> <p>5.26 The <i>Local Government Act 1993</i> provides that a Council may sell any property where the rates have been in arrears for a period of three years or more. Council is required to;</p> <ul style="list-style-type: none"> a) notify the owner of the land of its intention to sell the land, b) provide the owner with details of the outstanding amounts; and
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	<p>c) Advise the owner of its intention to sell the land if payment of the outstanding amount is not received within 90 days. Except in extraordinary circumstances, Council will enforce the sale of land for arrears of rates.</p> <p>Remission and Postponement of Rates</p> <p>5.27 Application for remission of rates and charges or postponement of rates will be considered under the discretionary provisions of Section 129 of the <i>Local Government Act 1993</i>.</p> <p>Rebate of Rates</p> <p>5.28 Council has determined that rebates of rates will be only granted when the applicant satisfies the requirements for mandatory rebates under applicable Sections of the <i>Local Government Act 1993</i>.</p> <p>5.29 Rebates for Conservation Covenants are addressed within Council Policy 3.9 "Rate Rebate for Conservation Covenant Policy".</p> <p>Disclaimer</p> <p>5.30 A rate cannot be challenged on the basis of non-compliance with this policy and must be paid in accordance with the required payment provisions.</p> <p>5.31 Where a ratepayer believes that Council has failed to properly apply this policy, it should raise the matter with Council. In the first instance contact should be made with the Rates Department.</p>
GUIDELINES	<p>6.1 Rates constitute taxation for the purposes of Council, rather than a fee for service.</p> <p>6.2 The value of rateable land is an indicator of the capacity of ratepayers to pay rates.</p> <p>6.3 There is a commitment to the broad principle of fairness and equity in the distribution of rates across all ratepayers.</p> <p>6.4 Capital Value (The valuation of the property) is used as the basis for valuing land within the Council area, as determined by the Valuer-General each year.</p> <p>6.5 A general rate, a differential rate applying to non-vacant residential, a service charge, and a minimum rate will be applied as a means of raising taxation revenue within the community.</p> <p>6.6 Eligible Pensioner ratepayers who hold a Pensioner Concession Card, DVA Gold Card or Government Health Care Card are entitled to a remission of rates, subject to a range of criteria. This remission does not apply to holders of the Commonwealth Seniors Health Cards.</p> <p>6.7 Annual garbage and recycling collection charges will be charged at a set amount based on the size bin.</p> <p>6.8 The three fire rate levies that Council collects on behalf of the State Fire Commission are based on the cents in the CV dollar.</p> <p>6.9 Council will apply rebates in accordance with the <i>Local Government Act 1993</i>. Council will adhere to the Act in granting full or part exemption for general rates for properties which may include public, educational, religious or charitable in use and ownership.</p> <p>6.10 Council will continue to accept the payment of rates in full or by four instalments. Council will consider other payment arrangements with ratepayers when requested.</p> <p>6.11 Council will impose late payment penalties strictly in accordance with the <i>Local Government Act 1993</i>.</p> <p>6.12 Council may enforce the sale of land for non-payment of rates in accordance with the <i>Local Government Act 1993</i>.</p> <p>6.13 Council advises that a rate cannot be challenged on the basis of non-compliance with this policy and rates must be paid in accordance with the required payment provisions.</p>

COMMUNICATION	7.1 All Councillors and employees may be briefed on this policy as part of the induction program and on an on-going basis.
LEGISLATION	<p>8.1 The rating and valuation methods available to local government are covered under various pieces of legislation. In particular Part 9 of the <i>Local Government Act 1993</i> and the <i>Valuation of Land Act 2001</i> are the most relevant.</p> <p>8.2 The rating and valuation methods available to local government are covered under various pieces of legislation. In particular Part 9 of the <i>Local Government Act 1993</i> and the <i>Valuation of Land Act 2001</i> are the most relevant.</p> <p>8.2.2 The following Sections within the <i>Local Government Act 1993</i> related to the Rates and Charges Policy are detailed below:</p> <p>86A. General principles in relation to making or varying rates</p> <p>(1) A council, in adopting policies and making decisions concerning the making or varying of rates, must take into account the principles that –</p> <p>(a) rates constitute taxation for the purposes of local government, rather than a fee for a service; and</p> <p>(b) the value of rateable land is an indicator of the capacity of the ratepayer in respect of that land to pay rates.</p> <p>(2) Despite subsection (1), the exercise of a council's powers to make or vary rates cannot be challenged on the grounds that the principles referred to in that subsection have not been taken into account by the council.</p>
RELATED DOCUMENTS	<p>9.1 Kingborough Council Strategic Plan 202015 – 2025</p> <p>9.2 Long Term Financial Management Plan</p>
AUDIENCE	10.1 The Rating and Charges Policy applies to Councillors in setting rates for the community.

UPDATED POLICY FOR APPROVAL



Policy No: **3.14**
 Approved by Council: **June 2021**
 Next Review Date: **June 2023**
 Responsible Officer: **Manager Finance**

Minute No: **TBA**
 ECM File No: **12.191**
 Version: **1.0**

Rates and Charges Policy	
POLICY STATEMENT	<p>1.1 In Tasmania, Council rates are a form of property tax levied by Local Government as the primary source of funding for the many mandatory and discretionary services that are provided. Rates are administered in line with the <i>Local Government Act 1993</i> which allows some flexibility for each Council to make decisions that suit its local community.</p> <p>1.2 As rates are a method of taxation, the total amount of rates paid may not directly relate to the services used by each ratepayer.</p> <p>1.3 Property values (set by the Valuer-General) play an important role in determining how much each individual ratepayer contributes to the cost of delivering Council services and activities. The <i>Local Government Act 1993</i> expects that the higher the value of the property the higher the rates to be paid.</p> <p>1.4 All land within a Council area, except for land specifically exempt (eg. Crown Land, Council occupied land and other prescribed land) is rateable. Council also raises revenue through fees and charges, which are set, giving consideration to the cost of the service provided and any equity issues.</p>
DEFINITIONS	<p>2.1 Part 9, Section 86, of the <i>Local Government Act 1993</i> comprises the definition of key terms applicable to the rating processes of Local Government.</p>
OBJECTIVE	<p>3.1 The objectives of this policy are to outline Council's approach to determining and collecting rates from its community.</p> <p>3.2 This policy will meet the requirements of Section 86B of the <i>Local Government Act 1993</i>, which states each Council must prepare and adopt a Rates and Charges Policy.</p>
SCOPE	<p>4.1 This policy covers:</p> <ul style="list-style-type: none"> • The relationship between Council's strategic plans, its budget and rates structure • Council's revenue raising powers • Method used to value land • Adoption of valuations • Differential general rates • Minimum rate • Concessions • Payment of rates • Late payment of rates • Recovery of rates • Sale of land for non-payment of rates • Remission and postponement of rates



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	<ul style="list-style-type: none"> • Rebate of rates • Disclaimer
PROCEDURE (POLICY DETAIL)	<p>Strategic Focus</p> <p>5.1 Council is faced with balancing its service levels, the needs and expectations of the community and setting appropriate tax levels to adequately resource and fulfil its roles and responsibilities. In determining rates for the financial year Council gives primary consideration to:</p> <ul style="list-style-type: none"> • Council's Strategic Plan, • Council's Long Term Financial Management Plan, • the <i>Local Government Act 1993</i>, • current economic climate, and • likely impacts on the community <p>The resources required to successfully achieve this outcome are documented in the annual plan.</p> <p>Rates in Kingborough</p> <p>5.2 Kingborough Council considers the combined use of service charges and variable charges (rate in the capital value dollar) per rateable property provides the fairest and most equitable method of charging rates to our Community.</p> <p>5.3 Council considers the imposition of a minimum general rate is the most fair and equitable means of ensuring that all ratepayers contribute equally to the administration of Council's services and the development and maintenance of the Community's infrastructure.</p> <p>5.4 Council adopts the Capital Value (CV) as determined by the Valuer-General as the valuation method to be used in determining rates.</p> <p>5.5 Council levies a Stormwater Removal Service Rate on all properties to fund current and future Stormwater Infrastructure requirements.</p> <p>5.6 Annual service charges also apply for the collection and disposal of garbage, organic waste and recycling on a per waste bin basis.</p> <p>5.7 Council collects three fire rate levies on behalf of the State Fire Commission based on the cents in the CV dollar, with a minimum fire levy charge.</p> <p>5.8 There are a number of properties which are public, educational, religious or charitable in use or ownership and which are in part or in full exempt from the general rate.</p> <p>5.9 Council considers that the CV method of valuing land provides a fair method of distributing the rate burden across all ratepayers on the following basis:</p> <ul style="list-style-type: none"> • Rates constitute a system of taxation and the equity principle of taxation requires that ratepayers of similar wealth pay similar taxes and ratepayers of greater wealth pay more tax than ratepayers of lesser wealth; • Property value is a generally accepted indicator of wealth, and capital value, which closely approximates the market value of a



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	<p>property, provides the best indicator of overall property value.</p> <p>5.10 Council adopts the “CV” as assessed by the Valuer-General as the valuation method to be used in determining rates. If a ratepayer is dissatisfied with the valuation made, the ratepayer may object to the Valuer-General in writing.</p> <p>5.11 Council has no role in the assessment of objections. The lodgement of an objection does not alter the due date for the payment of rates. Rates must be paid in accordance with the Rate Notice until otherwise notified by Council.</p> <p>Objections to rates notice</p> <p>5.12 Council will consider any objections to rate notices in accordance with Section 123 of the <i>Local Government Act 1993</i>.</p> <p>Rate Concessions</p> <p>5.13 The State Government, in providing equity across Tasmania, funds a range of concessions in relation to Council rates. The concessions are administered by various State Government agencies that determine eligibility and pay the concession directly to Council on behalf of the ratepayer. Concessions are available only on a ratepayer’s principal place of residence.</p> <p>5.14 Ratepayers seeking a rate concession are not to withhold payment of rates pending assessment of an application by the State Government. Rates must be paid in accordance with the Rate Notice</p> <p>5.15 A refund will be paid to an eligible person if Council is advised a concession applies and rates instalments have already been paid.</p> <p>Payment of Rates</p> <p>5.16 Council rates are payable by four equal instalments in August, October, January and April. The total outstanding balance of rates may be paid in full at any time. Any arrears outstanding are payable with the first instalment.</p> <p>5.17 Any ratepayer who may, or is likely to, experience difficulty with meeting the standard quarterly payment should contact the Rates Department to discuss alternative payment arrangements. Such enquiries are treated confidentially by Council.</p> <p>Late Payment of Rates</p> <p>5.18 Council has determined that penalties for late payments will be imposed in accordance with the provisions of the <i>Local Government Act 1993</i> and relevant Council procedures.</p> <p>5.19 A penalty of 5% of the unpaid rate may be imposed on instalments not paid by the due date.</p> <p>5.20 Daily interest at a rate set by Council’s annual Rate Resolution will be applied in respect of the unpaid rate or instalment for the period during which it remains unpaid.</p> <p>Recovery of Rates</p> <p>5.21 In accordance with sound financial management principles, Council’s Rates Department will apply prudent debt management practices to Rate Debtors. This includes an ongoing review of rates in arrears and</p>
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	<i>principles referred to in that subsection have not been taken into account by the council.</i>
RELATED DOCUMENTS	9.1 Kingborough Council Strategic Plan 2020 – 2025 9.2 Long Term Financial Management Plan
AUDIENCE	10.1 The Rating and Charges Policy applies to Councillors in setting rates for the community.

Public Copy

19 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

RECOMMENDATION

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

Confirmation of Minutes

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

Applications for Leave of Absence

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

COVID-19 Rental Relief

Regulation 15 (2)(c)(i) *commercial information of a confidential nature, that if disclosed, is likely to prejudice the commercial position of the person who supplied it.*

Rate Rebate - Conservation Covenants

Regulation 15 (2)(g) *information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.*

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	
COVID-19 Rental Relief	
Rate Rebate - Conservation Covenants	

CLOSURE

APPENDIX

- A Kingborough Waste Services Bi-monthly report
- B Southern Waste Solutions Authority Quarterly Report April 2021
- C Delegated Authority List 6 May 2021 to 26 May 2021
- D Notification of Natural Resource Management Unit Name Change
- E General Manager's Diary 12 April 2021 to 21 May 2021
- F Current and Ongoing Minute Resolutions (Open Session)
- G Current and Ongoing Minute Resolutions (Closed Session)
- H Calendar
- I Forward Agenda

A KINGBOROUGH WASTE SERVICES BI-MONTHLY REPORT

Attached to this information report are the minutes of the Board meeting held on 3 February 2021, the financial reports up to the end of December 2020 and the Waste Management Strategy Progress Report.

FINANCE

The Profit and Loss Statement for the year-to-date period up to 31 August 2020 resulted in an operational surplus of \$30,521. This result is \$78,633 more than the budgeted deficit of \$48,112.

Month	Income	Expenditure	Surplus/(Deficit) 2020/21	Result 2019/20
July	219,800	221,360	(1560)	11,997
August	202,675	192,311	10,364	(30,689)
September	212,328	209,141	3,187	20,025
October	214,534	196,005	18,530	20,549
November	223,762	193,195	30,567	16,457
December	248,735	212,153	36,582	25,776
January				26,388
February				33,364
March				22,860
April				342
May				4,064
June				14,021
Total	1,321,835	1,224,165	97,670	165,154

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

Month	Budget	Actual	Variance
July	(39,830)	(1,560)	38,270
August	(3,625)	10,364	14,016
September	(7,814)	3,187	11,001
October	3,184	18,530	15,346
November	37,965	30,567	(7,398)
December	7,296	36,582	29,286
January			
February			
March			
April			
May			
June			
Total	(2,824)	97,670	100,521

Variances of note for the 2020/21 year to date include the following:

Item	Positive Impact	Negative Impact	Comments
Income	\$	\$	
General waste	21,209		More waste received than expected.
Green waste	5,516		More green waste received than expected.
Reuse shop sales	37,810		Sales well above budget.
Metal sales	14,381		Revenue obtained – noting that no revenue was originally budgeted for this year because of market uncertainties.
Kerbside collection charges	32,091		More waste received than expected.
Bruny disposal charges	5,540		More waste received than expected.
Expenditure	\$	\$	
Salaries	59,517		Savings due to staff being on leave during this quieter mid-year period and permanent staff retiring. Balanced by increased Agency staff costs
Agency staff		46,513	Additional agency staff employed to cover staff on leave or retired.
Transport costs – Copping		15,504	More waste to be taken to Copping than expected.
Disposal costs – Tyres/Gas Bottles		11,450	Additional cost to dispose of a stockpile of tyres.
Maintenance		9,519	Purchase of new heaters following safety audit, plus new boom gate and repairs to a compressor..

WASTE TRANSFER STATION SITE ACTIVITIES

Site Management

- Installation of a security upgrade with a monitored system for Barretta completed during December. The upgrade includes a fully monitored security system with upgraded night vision cameras, motion sensor alarms to the main office, weighbridge, compactor and walking floor areas.
- The refurbishment of compaction trailer Z40FD was completed during October.

Environmental Management

- Green Waste – Green waste disposal weekends were held at the Bruny Island and Barretta transfer stations on 28-29 November and 5-6 December 2020. A total of 50 cubic meters was received at the Bruny Island transfer station and a further 130.5 tonnes received at Barretta during this period. The next green waste disposal weekends have been scheduled for Bruny Island and Barretta on 23-24 January and 30-31 January 2021.

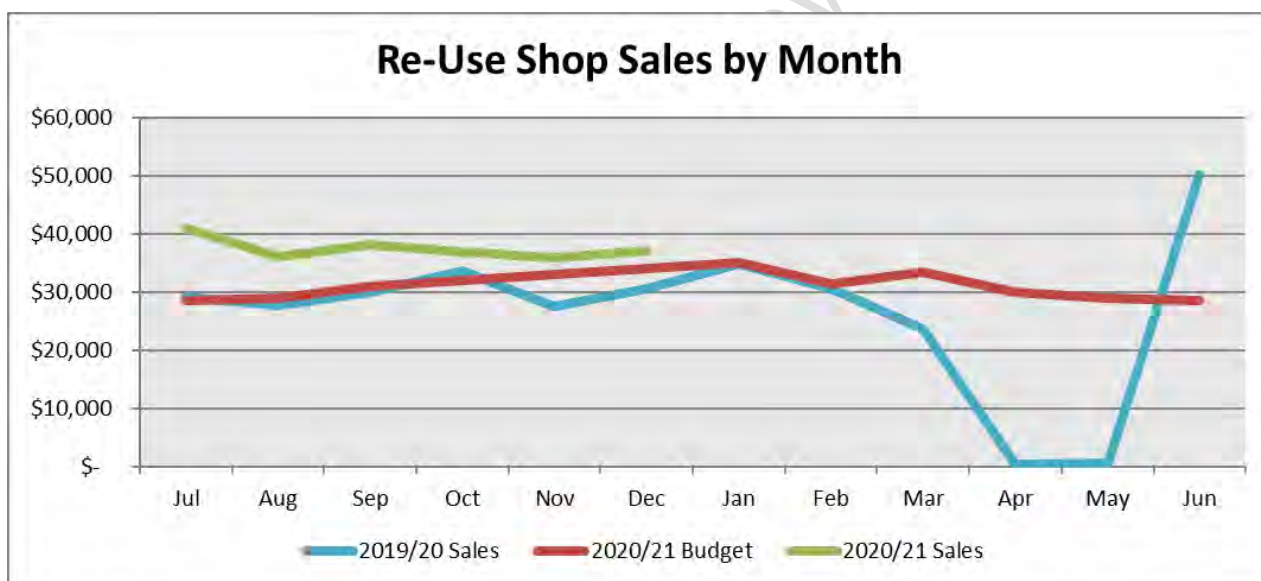
- Metal Waste – Expression of Interests for scrap metal collections were sought during October with Onestop Metal Recycling being the successful contractor. Collections commenced during December with 54 tonnes being removed with a small financial return to KWS. Collection will continue through January with approximately a further 260 tonnes to be recycled.
- CMA Eco-cycle - 241kg of Fluorescent Tubes and Globes, 30kg of X-Rays and 340kg of household batteries were recycled through the Eco-cycle program during November and December 2020.
- Drum Muster - The Barretta Waste Transfer Station is set up to register Drum Muster collections electronically. This enables greater accuracy with reporting and when processing claims and invoices through the scheme. 169 eligible containers were collected and processed through the scheme over the past twelve months.
- Paintback - Collections of unwanted paint through the Paintback stewardship scheme continued with 1,315kg collected during November and a further 1,850kg collected during December for a total of 15,380kg over the past 12 months enabling a saving of \$84,590 over the previous arrangement.
- E-Waste - The Tech Collect E-Waste stewardship program continued with a total of 3,880kg collected during November and a further 2,980kg during December for a total of 39,430kg over the past 12 months enabling a saving of \$1,970 over the previous arrangement. Green Waste – A free green waste weekend has been scheduled for Bruny Island and Barretta on 28-29 November and 5-6 December 2020.

The following figures show the yearly trends for both general waste and green waste.





The reuse shop has continued to be very popular with over 30000 transactions in both November and December resulting in sales of \$35,991 and \$37,194. This result is approximately \$8-9K higher than in 2019/20 for each of the corresponding months.





The following table outlines the waste received up to the end of October 2020 and that which is transported to Copping and other diversions.

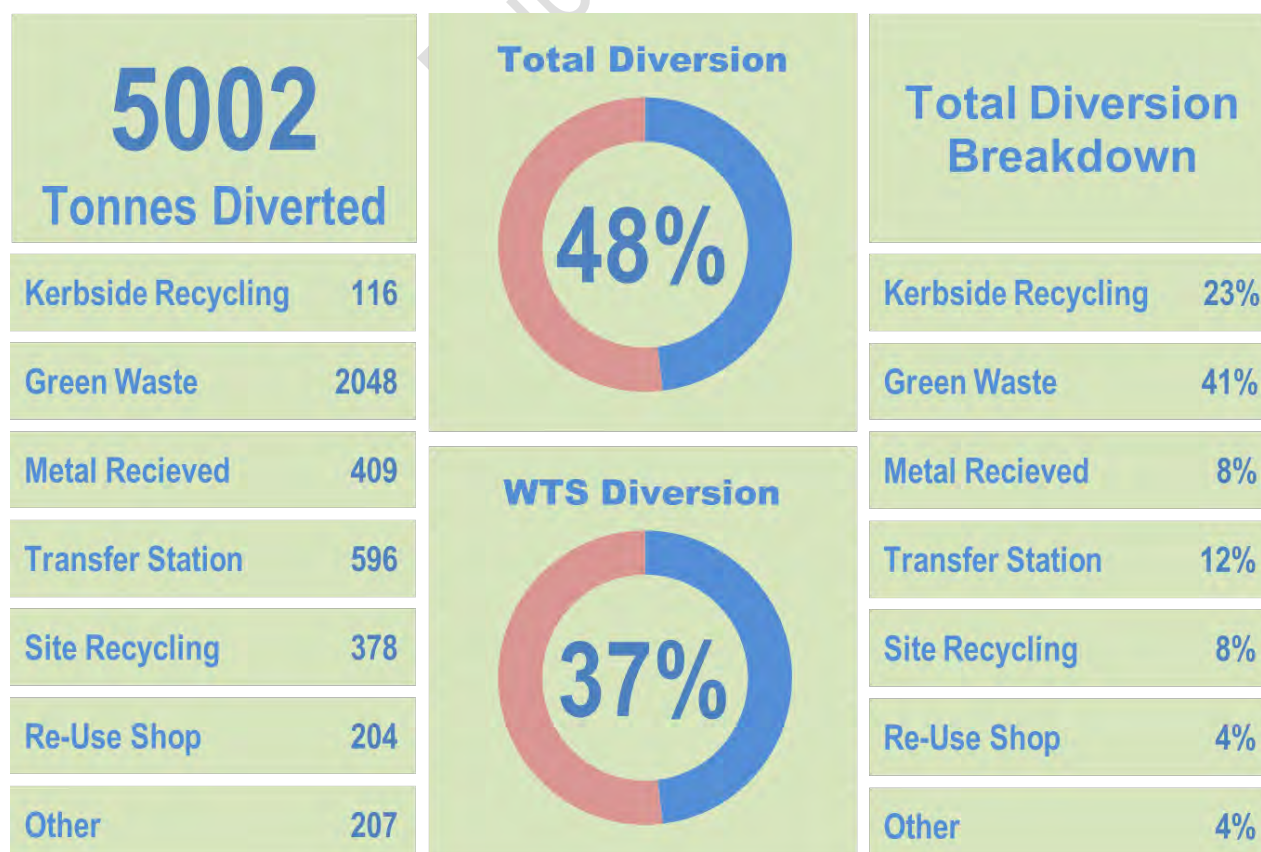
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Totals
Product Received	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In
General Waste	496.44	453.38	458.75	500.07	534.03	605.50	0.00	0.00	0.00	0.00	0.00	0.00	3048.17
Kerbside General Waste	495.98	472.53	486.66	493.61	468.85	529.95	0.00	0.00	0.00	0.00	0.00	0.00	2947.58
Kerbside Recycling	211.97	177.07	189.26	186.06	183.16	213.18	0.00	0.00	0.00	0.00	0.00	0.00	1160.70
Kerbside Green Waste	0.00	0.00	0.00	237.65	227.16	201.52	0.00	0.00	0.00	0.00	0.00	0.00	666.33
Weight from Sawtooth	109.23	117.93	139.25	130.79	137.56	152.05	0.00	0.00	0.00	0.00	0.00	0.00	786.82
Shop In	33.38	35.39	44.64	40.40	23.72	26.28	0.00	0.00	0.00	0.00	0.00	0.00	203.82
Green Waste	212.57	207.28	220.54	217.97	277.07	246.54	0.00	0.00	0.00	0.00	0.00	0.00	1381.96
Diverted Timber Waste	15.27	17.25	21.74	21.03	24.95	25.02	0.00	0.00	0.00	0.00	0.00	0.00	125.26
Diverted Car Batteries	7.85	0.00	3.37	3.63	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	14.85
Diverted X-Ray/L-Glo/H-Bat	0.29	0.00	0.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.58
Diverted Non Ferrous	6.75	1.88	4.03	2.96	1.86	9.01	0.00	0.00	0.00	0.00	0.00	0.00	26.49
Diverted Oil	0.80	1.80	1.80	1.74	2.20	2.80	0.00	0.00	0.00	0.00	0.00	0.00	11.14
Diverted Paint	0.99	0.81	0.98	1.21	1.30	1.85	0.00	0.00	0.00	0.00	0.00	0.00	7.14
Diverted Tyre/Gas	0.30	0.46	0.58	0.38	0.53	0.44	0.00	0.00	0.00	0.00	0.00	0.00	2.69
Diverted E-Waste	2.89	2.56	4.01	2.10	3.88	2.98	0.00	0.00	0.00	0.00	0.00	0.00	18.42
Monthly Total In	1594.70	1488.34	1575.90	1839.60	1886.27	2017.13	0.00	0.00	0.00	0.00	0.00	0.00	10401.94
To Copping	899.16	790.62	879.04	903.92	894.46	1032.80	0.00	0.00	0.00	0.00	0.00	0.00	5400.00

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Totals
Product Diverted	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In
Kerbside Recycling	211.97	177.07	189.26	186.06	183.16	213.18	0.00	0.00	0.00	0.00	0.00	0.00	1160.70
Kerbside Green Waste	0.00	0.00	0.00	237.65	227.16	201.52	0.00	0.00	0.00	0.00	0.00	0.00	666.33
Diverted WTS	93.26	135.29	66.37	89.76	108.42	102.65	0.00	0.00	0.00	0.00	0.00	0.00	595.75
Diverted Metal	54.69	65.43	75.95	70.43	68.71	74.04	0.00	0.00	0.00	0.00	0.00	0.00	409.26
Diverted MRF	31.21	29.91	30.03	33.03	43.29	49.90	0.00	0.00	0.00	0.00	0.00	0.00	217.37
Diverted Glass	23.33	22.59	33.27	27.33	25.56	28.11	0.00	0.00	0.00	0.00	0.00	0.00	160.19
Diverted Shop	33.38	35.39	44.64	40.40	23.72	26.28	0.00	0.00	0.00	0.00	0.00	0.00	203.82
Diverted Green Waste	212.57	207.28	220.54	217.97	277.07	246.54	0.00	0.00	0.00	0.00	0.00	0.00	1381.96
Diverted Timber Waste	15.27	17.25	21.74	21.03	24.95	25.02	0.00	0.00	0.00	0.00	0.00	0.00	125.26
Diverted Car Batteries	7.85	0.00	3.37	3.63	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	14.85
Diverted X-Ray/L-Glo/H-Bat	0.29	0.00	0.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.58
Diverted Non Ferrous	6.75	1.88	4.03	2.96	1.86	9.01	0.00	0.00	0.00	0.00	0.00	0.00	26.49
Diverted Oil	0.80	1.80	1.80	1.74	2.20	2.80	0.00	0.00	0.00	0.00	0.00	0.00	11.14
Diverted Paint	0.99	0.81	0.98	1.21	1.30	1.85	0.00	0.00	0.00	0.00	0.00	0.00	7.14
Diverted Tyre/Gas Bottle	0.30	0.46	0.58	0.38	0.53	0.44	0.00	0.00	0.00	0.00	0.00	0.00	2.69
Diverted E-Waste	2.89	2.56	4.01	2.10	3.88	2.98	0.00	0.00	0.00	0.00	0.00	0.00	18.42
Total Diverted	695.54	697.72	696.86	935.68	991.81	984.33	0.00	0.00	0.00	0.00	0.00	0.00	5001.94
Diverted (%)	44%	47%	44%	51%	53%	49%	0%	0%	0%	0%	0%	0%	48%

A list of the diversion rates (waste diverted from landfill) now being achieved on a month-to-month basis compared to previous years is as shown in the following table. Note that these figures now include, since mid-October 2018, the kerbside recycling material – hence the increased diversion percentage compared to previous years. Green waste collection commenced in October 2020 and this is reflected in the improved diversion below.

Month	2020/21	2019/20	2018/19	2017/18	2016/17	2015/16	2014/15	2013/14
July	44%	41%	33.6%	23.70%	15.16%	17.17%	22.85%	22.04%
August	47%	39%	36.07%	25.92%	19.22%	17.20%	26.35%	23.53%
September	44%	45%	36.03%	22.03%	22.94%	23.01%	23.04%	28.04%
October	51%	46%	45.4%	22.84%	24.73%	19.82%	25.63%	23.85%
November	53%	43%	43.6%	22.62%	21.41%	26.32%	27.69%	25.33%
December	49%	43%	45.46%	21.01%	27.71%	19.87%	20.54%	24.60%
January		42%	44.01%	21.32%	22.01%	24.26%	22.08%	26.29%
February		46%	45.19%	21.49%	24.24%	23.22%	26.11%	30.33%
March		43%	47.37%	19.42%	24.44%	23.62%	25.18%	28.34%
April		42%	43.0%	25.84%	25.63%	21.50%	23.25%	26.36%
May		43%	43.09%	31.12%	19.85%	18.41%	24.05%	25.16%
June		45%	42.25%	23.9%	22.7%	24.97%	17.86%	35.32%
TOTAL		43%	42.56%	24.21%	22.89%	21.73%	23.72%	26.60%

The following graphic summarises the waste diversions for the year to date 2020/21.



OTHER ACTIVITIES

The Board considered the Service Level report. The kerbside collection program is meeting all KPIs. The mainland public bin collection program has not been meeting all of its KPIs with all reports still not being submitted by the due date and issues with missed collection due to vehicle unreliability. This is not adversely impacting service delivery but does hamper monitoring of performance, staff will continue to meet with the contractor and seek improvements. The Bruny Island public bin program is meeting all KPIs.

The green waste kerbside collection commenced in October 2020. There are currently 7120 properties who have opted into the service and 666.33 tonnes of material was collected at an average bin weight of 24.7kg. The bin weight has begun to drop as the summer months start and less green waste is generated and/or bins are not put out, it is expected that this trend will continue from now until the start of Spring next financial year..

The KWS Board will be conducting a workshop in February to discuss a range of strategic matters and potential initiatives that could be taken up next year. This includes the waste reforms proposed at a State and regional level, the results of the Kerbside Waste and Recycling Bin Audit, the possibility of a regional organics processing facility (and a future transition to FOGO. The next normal Board meeting will be held on 26 May 2021.

PUBLIC COMMUNICATION

Updated information is provided in the Kingborough Chronicle on a monthly basis that provides information on the services provided at Barretta, re-use shop advertisements and any current notifications or changes to operating arrangements. Similar information is provided on Council's Facebook page. Council provided support for National Recycling Week through promotion via social media.

Support was provided for the Huon Energy Hub greenhouse project with the supply of PET containers and advertising of the project at Barretta.

ATTACHMENTS

1. **Financial report**
2. **Minutes**
3. **Waste Management Strategy progress**

Financial reports up to the end of December 2020

The Profit and Loss statements are provided in detail for November and December and the Balance sheet as at December. Also included is a forecast summary of income and expenditure.

	NOVEMBER 2020			YTD November 20			Annual Budget
	Actual	Budget	Var	Actual	Budget	Var	
REVENUE							
USER CHARGES							
General Waste	64,705	60,500	4,205	298,497	282,500	15,997	701,000
Tyres / Gas Bottles	1,137	833	304	4,344	4,165	179	10,000
Green Waste	19,674	22,500	(2,826)	103,679	95,500	8,179	240,000
Timber	2,791	1,500	1,291	11,146	7,500	3,646	18,000
Metal	2,333	1,500	833	9,947	7,500	2,447	18,000
	90,640	86,833	3,807	427,612	397,165	30,447	987,000
RECYCLING SALES							
Reuse Shop Sales	35,988	33,000	2,988	188,150	153,500	34,650	375,000
Non Ferrous Metal Sales	1,804	2,500	(696)	11,314	12,500	(1,186)	30,000
Metal Sales	0	0	0	11,177	0	11,177	0
Recycling Sales	0	0	0	0	0	0	0
	37,792	35,500	2,292	210,642	166,000	44,642	405,000
COUNCIL RECHARGES							
Kerbside Collection Charges	51,574	51,500	74	264,797	239,500	25,297	583,750
Bruny Island Disposal Charges	12,553	11,500	1,053	54,374	50,000	4,374	138,000
Bruny Island Operational Revenue	14,079	14,079	0	70,396	70,395	1	168,950
Free G/Waste - Foregone Revenue	10,098	16,000	(5,902)	10,098	16,000	(5,902)	32,000
Waste Management	6,750	6,925	(175)	33,750	34,625	(875)	83,100
	95,054	100,004	(4,950)	433,415	410,520	22,895	1,005,800
SUNDRY CHARGES	276	0	276	1,431	0	1,431	0
TOTAL REVENUE	223,762	222,337	1,425	1,073,100	973,685	99,415	2,397,800
EXPENSES							
EMPLOYEE COSTS							
Salaries	75,482	77,146	1,664	349,997	392,741	42,744	945,913
Agency Staff	14,226	5,578	(8,648)	65,263	28,448	(36,815)	67,866
Sundry Staff Expenses	535	450	(85)	640	2,250	1,610	5,400
Staff Training	0	550	550	0	2,750	2,750	7,100
Protective Clothing	464	100	(364)	5,872	4,400	(1,472)	9,000
	90,707	83,824	(6,883)	421,772	430,589	8,817	1,035,279
DISPOSAL COSTS							
Disposal Costs - Copping	27,161	26,366	(795)	129,268	126,789	(2,479)	315,000
Transport Costs - Copping	19,740	16,294	(3,446)	90,651	78,354	(12,297)	194,670
Disposal Costs - Recycling	606	463	(143)	3,027	2,315	(712)	5,555
Disposal Costs - Glass/Bottles	501	600	99	2,763	3,000	237	7,200
Disposal Costs - Cardboard	2,491	1,435	(1,056)	9,768	6,615	(3,153)	16,870
Disposal Costs - Tyres/Gas Bottles	0	650	650	13,820	3,250	(10,570)	7,800
Disposal Costs - Concrete/Cleanfill	0	0	0	0	750	750	1,500
Disposal Costs - Metal	0	0	0	0	0	0	0
Disposal Costs - Hazardous Waste	0	1,000	1,000	799	5,000	4,201	12,000
	50,499	46,808	(3,691)	250,096	226,073	(24,023)	560,595
GREEN WASTE COSTS							
Green Waste Mulching	11,000	11,000	0	61,001	55,000	(6,001)	132,000
Timber Mulching	1,600	1,600	0	9,300	8,000	(1,300)	19,200
	12,600	12,600	0	70,301	63,000	(7,301)	151,200
HIRE & MAINTENANCE							
Barretta Bin Hire and Movement	6,486	5,875	(611)	29,187	27,775	(1,412)	70,400
Bruny Bin Movement & Sundry	8,745	10,040	1,295	39,803	39,700	(103)	108,680
Plant Hire(Council)	6,500	6,500	0	32,500	32,500	0	78,000
Plant Hire External	1,367	1,625	258	6,835	8,125	1,290	19,500
Maintenance	1,527	700	(827)	13,209	3,500	(9,709)	18,200
MV/Plant Fuel & Registration	1,031	1,150	119	4,164	5,750	1,586	15,800
	25,656	25,890	234	125,698	117,350	(8,348)	310,580
OTHER EXPENSES							
Office Expenses	3,652	5,200	1,548	31,630	33,850	2,220	70,850
Advertising	473	510	37	851	2,550	1,699	6,120
Insurance - Public Liability	0	0	0	15,460	15,945	485	15,945
Insurance - Workers Comp	0	0	0	17,538	16,275	(1,263)	16,275
Board Expenses	0	0	0	7,000	7,000	0	18,000
Corporate Services Overhead	6,867	6,800	(67)	34,335	34,000	(335)	81,600
Waste Management Activities	2,740	2,740	(0)	37,331	37,200	(131)	50,880
Doubtful Debts Expense	0	0	0	0	0	0	0
	13,733	15,250	1,517	144,145	146,820	2,675	259,670
TOTAL EXPENSES	193,195	184,372	(8,823)	1,012,011	983,832	(28,179)	2,317,324
NET PROFIT/(LOSS)	30,567	37,965	(7,398)	61,089	(10,147)	71,236	80,476

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	DECEMBER 2020			YTD December 20			Annual
	Actual	Budget	Var	Actual	Budget	Var	Budget
USER CHARGES							
General Waste	75,712	70,500	5,212	374,209	353,000	21,209	701,000
Tyres / Gas Bottles	511	833	(322)	4,854	4,998	(144)	10,000
Green Waste	19,836	22,500	(2,664)	123,516	118,000	5,516	240,000
Timber	2,778	1,500	1,278	13,924	9,000	4,924	18,000
Metal	2,256	1,500	756	12,202	9,000	3,202	18,000
	101,093	96,833	4,260	528,705	493,998	34,707	987,000
RECYCLING SALES							
Reuse Shop Sales	37,159	34,000	3,159	225,310	187,500	37,810	375,000
Non Ferrous Metal Sales	1,365	2,500	(1,135)	12,679	15,000	(2,321)	30,000
Metal Sales	3,204	0	3,204	14,381	0	14,381	0
Recycling Sales	0	0	0	0	0	0	0
	41,728	36,500	5,228	252,370	202,500	49,870	405,000
COUNCIL RECHARGES							
Kerbside Collection Charges	58,295	51,500	6,795	323,091	291,000	32,091	583,750
Bruny Island Disposal Charges	18,166	17,000	1,166	72,540	67,000	5,540	138,000
Bruny Island Operational Revenue	14,079	14,079	0	84,476	84,474	2	168,950
Free G/Waste - Foregone Revenue	8,194	0	8,194	18,292	16,000	2,292	32,000
Waste Management	6,750	6,925	(175)	40,500	41,550	(1,050)	83,100
	105,484	89,504	15,980	538,899	500,024	38,875	1,005,800
SUNDRY CHARGES	430	0	430	1,861	0	1,861	0
TOTAL REVENUE	248,735	222,837	25,898	1,321,835	1,196,522	125,313	2,397,800

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EMPLOYEE COSTS							
Salaries	71,180	87,953	16,773	421,177	480,694	59,517	945,913
Agency Staff	15,463	5,764	(9,699)	80,725	34,212	(46,513)	67,866
Sundry Staff Expenses	516	450	(66)	1,156	2,700	1,544	5,400
Staff Training	0	800	800	0	3,550	3,550	7,100
Protective Clothing	517	100	(417)	6,389	4,500	(1,889)	9,000
	87,676	95,067	7,391	509,448	525,656	16,208	1,035,279
DISPOSAL COSTS							
Disposal Costs - Copping	30,065	29,831	(234)	159,333	156,620	(2,713)	315,000
Transport Costs - Copping	21,642	18,435	(3,207)	112,293	96,789	(15,504)	194,670
Disposal Costs - Recycling	712	463	(249)	3,739	2,778	(961)	5,555
Disposal Costs - Glass/Bottles	572	600	28	3,334	3,600	266	7,200
Disposal Costs - Cardboard	2,440	1,855	(585)	12,208	8,470	(3,738)	16,870
Disposal Costs - Tyres/Gas Bottles	1,530	650	(880)	15,350	3,900	(11,450)	7,800
Disposal Costs - Concrete/Cleanfill	0	0	0	0	750	750	1,500
Disposal Costs - Metal	0	0	0	0	0	0	0
Disposal Costs - Hazardous Waste	0	1,000	1,000	799	6,000	5,201	12,000
	56,960	52,834	(4,126)	307,056	278,907	(28,149)	560,595
GREEN WASTE COSTS							
Green Waste Mulching	11,000	11,000	0	72,001	66,000	(6,001)	132,000
Timber Mulching	1,694	1,600	(94)	10,994	9,600	(1,394)	19,200
	12,694	12,600	(94)	82,994	75,600	(7,394)	151,200
HIRE & MAINTENANCE							
Barretta Bin Hire and Movement	7,744	7,275	(469)	36,931	35,050	(1,881)	70,400
Bruny Bin Movement & Sundry	13,436	12,040	(1,396)	53,239	51,740	(1,499)	108,680
Plant Hire(Council)	6,500	6,500	0	39,000	39,000	0	78,000
Plant Hire External	1,367	1,625	258	8,203	9,750	1,547	19,500
Maintenance	510	700	190	13,719	4,200	(9,519)	18,200
MV/Plant Fuel & Registration	619	3,150	2,531	4,783	8,900	4,117	15,800
	30,176	31,290	1,114	155,874	148,640	(7,234)	310,580
OTHER EXPENSES							
Office Expenses	4,751	5,200	449	36,381	39,050	2,669	70,850
Advertising	1,789	510	(1,279)	2,640	3,060	420	6,120
Insurance - Public Liability	0	0	0	15,460	15,945	485	15,945
Insurance - Workers Comp	0	0	0	17,538	16,275	(1,263)	16,275
Board Expenses	2,000	2,000	0	9,000	9,000	0	18,000
Corporate Services Overhead	6,867	6,800	(67)	41,202	40,800	(402)	81,600
Waste Management Activities	9,240	9,240	0	46,571	46,440	(131)	50,880
Doubtful Debts Expense	0	0	0	0	0	0	0
	24,647	23,750	(897)	168,792	170,570	1,778	259,670
TOTAL EXPENSES	212,153	215,541	3,388	1,224,165	1,199,373	(24,792)	2,317,324
NET PROFIT/(LOSS)	36,582	7,296	29,286	97,670	(2,851)	100,521	80,476

Balance Sheet as at December 2020

	CURRENT MONTH	JUNE 2020
Assets		
General Cheque Account	699,130	952,259
Cash on Hand	2,700	2,700
Sundry Debtors	146,923	129,392
Less Provision for Doubtful Debts	(6,344)	(6,344)
Accrued Revenue	0	0
GST Receivable	0	0
GST Clearing	(9,723)	(11,843)
Workers Comp Recovery	0	0
Suspense Account	0	0
Total Assets	832,685	1,066,164
Liabilities		
Trade Creditors	163,294	99,612
GST Collected	0	0
Accrued Expenses	185,858	197,770
Payroll Liabilities	9,906	11,124
Annual Leave Liability	91,831	81,033
Long Service Leave Liability	39,841	32,341
Kingborough Council Loan	0	0
Total Liabilities	490,730	421,880
Net Assets	341,955	644,284
Equity		
Retained Earnings	244,284	479,662
Current Earnings	97,670	164,622
Total Equity	341,955	644,284

Forecast Report for the period ending December 2020

	ACTUAL						YTD								FORECAST	ANNUAL	VAR
	JUL	AUG	SEP	OCT	NOV	DEC	ACTUAL	BUDGET	JAN	FEB	MAR	APR	MAY	JUN		BUDGET	
REVENUE																	
USER CHARGES																	
General Waste	59,422	57,067	56,670	60,632	64,705	75,712	374,209	353,000	70,500	57,500	57,500	55,500	53,500	53,500	722,209	701,000	21,209
Tyres / Gas Bottles	597	1,388	754	467	1,137	511	4,854	4,998	833	833	833	833	833	837	9,856	10,000	(144)
Green Waste	20,933	20,146	21,735	21,190	19,674	19,836	123,516	118,000	26,500	22,500	21,000	21,000	16,000	15,000	245,516	240,000	5,516
Timber	1,661	1,908	2,418	2,368	2,791	2,778	13,924	9,000	1,500	1,500	1,500	1,500	1,500	1,500	22,924	18,000	4,924
Metal	1,630	1,508	2,437	2,039	2,333	2,256	12,202	9,000	1,500	1,500	1,500	1,500	1,500	1,500	21,202	18,000	3,202
	84,243	82,017	84,015	86,697	90,640	101,093	528,705	493,998	100,833	83,833	82,333	80,333	73,333	72,337	1,021,707	987,000	34,707
RECYCLING SALES																	
Reuse Shop Sales	40,950	36,173	38,109	36,931	35,988	37,159	225,310	187,500	35,000	31,500	33,500	30,000	29,000	28,500	412,810	375,000	37,810
Non Ferrous Metal Sales	2,207	1,850	2,558	2,896	1,804	1,365	12,679	15,000	2,500	2,500	2,500	2,500	2,500	2,500	27,679	30,000	(2,321)
Metal Sales	6,585	1,793	1,842	958	0	3,204	14,381	0	0	0	0	0	0	0	14,381	0	14,381
Recycling Sales	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	49,742	39,816	42,508	40,785	37,792	41,728	252,370	202,500	37,500	34,000	36,000	32,500	31,500	31,000	454,870	405,000	49,870
COUNCIL RECHARGES																	
Kerbside Collection Charges	54,435	50,959	53,533	54,297	51,574	58,295	323,091	291,000	53,500	49,000	51,750	47,500	45,500	45,500	615,841	583,750	32,091
Bruny Island Disposal Charges	10,145	9,054	11,134	11,488	12,553	18,166	72,540	67,000	18,500	13,000	12,000	11,000	8,500	8,000	143,540	138,000	5,540
Bruny Island Operational Revenue	14,079	14,079	14,079	14,079	14,079	14,079	84,476	84,474	14,079	14,079	14,079	14,079	14,079	14,081	168,952	168,950	2
Free G/Waste - Foregone Revenue	0	0	0	0	10,098	8,194	18,292	16,000	16,000	0	0	0	0	0	34,292	32,000	2,292
Waste Management	6,750	6,750	6,750	6,750	6,750	6,750	40,500	41,550	6,925	6,925	6,925	6,925	6,925	6,925	82,050	83,100	(1,050)
	85,409	80,842	85,496	86,614	95,054	105,484	538,899	500,024	109,004	83,004	84,754	79,504	75,004	74,506	1,044,675	1,005,800	38,875
SUNDRY CHARGES	407	0	309	439	276	430	1,861	0	0	0	0	0	0	0	1,861	0	1,861
TOTAL REVENUE	219,800	202,675	212,328	214,534	223,762	248,735	1,321,835	1,196,522	247,337	200,837	203,087	192,337	179,837	177,843	2,523,113	2,397,800	125,313
EXPENSES																	
EMPLOYEE COSTS																	
Salaries	83,266	80,759	79,444	82,084	89,707	86,643	501,903	514,906	85,247	77,676	85,247	82,724	85,247	82,732	1,000,776	1,013,779	13,003
Sundry Staff Expenses	44	0	0	60	535	516	1,156	2,700	450	450	450	450	450	450	3,856	5,400	1,544
Staff Training	0	0	0	0	0	0	0	3,550	550	550	550	550	550	800	3,550	7,100	3,550
Protective Clothing	2,222	2,042	500	644	464	517	6,389	4,500	4,000	100	100	100	100	100	10,889	9,000	(1,889)
	85,532	82,801	79,943	82,788	90,707	87,676	509,448	525,656	90,247	78,776	86,347	83,824	86,347	84,082	1,019,071	1,035,279	16,208

KINGBOROUGH WASTE SERVICES PTY LTD

MINUTES

DIRECTOR'S MEETING NO. 57

Wednesday 3 February 2021

Public Copy

1. Opening

A Meeting of the Directors of Kingborough Waste Services Pty Ltd was held on Wednesday 3 February 2021 at the Kingston Twin Ovals Function Centre, Lightwood Cres, Kingston commencing at 9.13 a.m.

2. Attendance

- a. Present: Debra Mackeen – Chairperson/Director; Bob Calvert – Director; David Reeve – Director; Tim Jones - Director
- b. Apologies:
- c. Non Director Attendees: Stuart Baldwin; Dean Street

3. Approval of the Agenda**KWS253/57-21**

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

4. Previous Minutes**KWS254/57-21**

The Minutes of Board Meeting No. 56 of Wednesday 2 December 2020 are attached.

The Board Resolved: That the Minutes of Board Meeting No. 56 of Wednesday 2 December 2020 be confirmed.

5. Declarations of Interest

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

- a. David Reeve, in his position as Executive Manager Engineering Services with the Kingborough Council; and
- b. Tim Jones, in his position as Manager Finance with the Kingborough Council.

6. Business Arising from the Minutes

The Board Action List was discussed;

- i. The Bruny Island Bin Enclosures are awaiting general waste and recycling signage; additional graphical signage will be done after the bin enclosures have been installed. It was noted that three bin enclosures had to be used to replace enclosures at Kingston beach due to vandalism and the replacement bin enclosures will need to be installed at a later date.
- ii. The review of KPIs & Thresholds in the Service Level Agreement Report for Public Place Bins and Kerbside Bins to be provided in the next Board Meeting No. 58
- iii. The Kerbside Bin Audit Report Summary to be in the next Board Meeting No. 58
- iv. The Barretta Re-Use Garden was discussed and as it was noted the Garden will be more of a display of what's capable in terms of repurposing materials and composting not a Community Garden, additionally some key points raised around The Re-Use

Garden were who will get the produce, who will maintain the Garden, will this have an ongoing cost to KWS that will need to be included in the budget and what are the educational awareness aspects that are part of the KWS SLA. An updated report with responses and possible options to be provided in the next Board Meeting No 58

- v. The Howden Bin Strap Survey, report to Council on the recommendations on the rollout to be done by the next Board Meeting No. 58

7. General Business

7.1 Financial Reports for Kingborough Waste Services Pty Ltd

KWS255/57-21

The November 2020 and December 2020 Profit and Loss Financial Reports, Balance Sheet and the Budget Forecast were discussed; July to December 2020 KWS made a profit of +\$98k better than budgeted -\$3k Due to General Waste, Kerbside Collection, Re-Use Shop Sales and Unbudgeted Metal Sales. The \$400k Dividend Paid to Kingborough Council is now reflected in The Balance Sheet as at December 2020 Retained Earnings. It was noted that the Profit and Loss reports no longer needed the line-item Recycling Sales under Revenue - Recycling Sales as the MRF is done at a Disposal Cost.

The Board Resolved: That the Profit and Loss Financial reports for Kingborough Waste Services Pty Ltd for November 2020 and December 2020, the Balance Sheet as of 31 December 2020 and the Budget Forecast for the period be received and noted.

7.2 Operational Report

KWS256/57-21

The November 2020 and December 2020 operational report from the Manager KWS was discussed; The new Security System has been installed but not yet fully commissioned. The Re-Use Shop toilet refurbishment is due to commence in March. Due to an increase in Cardboard Disposal at Barretta a third Bin has been added for Cardboard drop off in the recycling area and will require a staircase to be relocated. The Second Compaction Trailer refurbished was completed in December 2020.

The Waste Diversion Statistics – Diverted Car Batteries will be now included in the Diverted Nonferrous rather than as a separate line item.

The Board Resolved: That the November 2020 and December 2020 operational report of the Manager Kingborough Waste Services be received and noted.

7.3 Service Level Agreement Report

KWS257/57-21

The November 2020 and December 2020 Service Level Agreement Report from the Manager KWS was discussed, The Kerbside Collection extension investigation and survey for Tinderbox was complete and a report will be sent to council, Parkdale Drive was under investigation again for Extension of the Kerbside service. It was noted the Kerbside Collection contractor had received two complimentary emails from the public and had self reported when three General waste bins had been collected by the recycling truck. The Public place bin contractors performance for Bruny Island had no complaints while the Mainland contractor was still receiving complaints and providing incomplete reports the Public Place bin contracts are due to expire in 12 months. The Gordon Campground 600-liter bins were removed due to the general public using them and this has reduced the amount of dumping at the site. Implementation of the FOGO Service was discussed and It was requested the

Manager KWS to identify the possibility of bringing the FOGO Service forward from July 2022 to October 2021.

The Board Resolved: *That the November 2020 and December 2020 Service Level Agreement Report of the Manager Kingborough Waste Services be received and noted.*

8. Other Business

8.1 Site Visit to Barretta and Bruny Island Transfer Stations

It was noted the housekeeping of both sites was to be applauded.

It was also noted that on Bruny Island unwanted items could be left aside should some wish to take them certain items could not be left that pose a safety issue including such items as electrical, PPE and any item requiring the Australian Standards label.

9. Date and Place of Next Meeting

The arrangements for the next meeting are 31 March 2021 Company Offices, 15 Channel Highway, Kingston commencing at 9.00am.



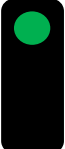

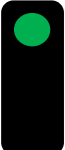
10. Closure

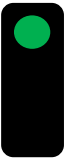
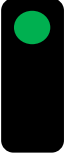


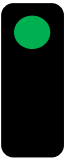

There being no further business, the Chair declared the meeting closed at 11.20a.m.


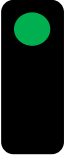
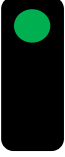
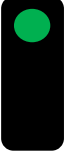
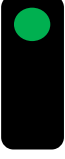


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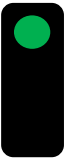
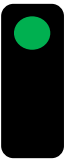
Waste Management Strategy Progress Report

Progress of the 2020/2021 strategic initiatives for the period

Goal	Project Description	Comment	Progress
1. Increased waste avoidance and reduction			
<ul style="list-style-type: none"> Implement food waste avoidance program and target specific sections of the community 	Kerbside FOGO service.	Ongoing, The kerbside GO service commenced 5 October 2020 with 7,198 properties registered for the service. It is anticipated a full FOGO service will commence July 2022.	
<ul style="list-style-type: none"> Support and promote community gardens and at home composting. 	Community Gardens and Home Composting.	<p>Home Composting guide has been developed and printed with a workshop held on 21 October 2020 and a further workshop to be held in early 2021.</p> <p>The first workshop of 80 was fully booked out with participants filling out a pre and post questionnaire on home composting.</p> <p>A home composting page has been created for the Council website.</p>	
2. Increased recycling rates			
<ul style="list-style-type: none"> A Introduce new kerbside services: • Fortnightly 240l comingled recycling bin; and • Fortnightly GO bin. 	Kerbside FOGO service.	Ongoing, The kerbside GO service commenced 5 October 2020 with 7,120 properties registered for the service. It is anticipated a full FOGO service will commence July 2022.	
	Expanding the kerbside collection service.	Ongoing, consultation with property owners as requests to extend the service are received. Currently investigating expanding the kerbside service to the Tinderbox area.	
<ul style="list-style-type: none"> Collaborate with neighbouring councils seeking to establish regional organics processing solutions. 	Regional Organics Processing Facility.	Due to the Coronavirus impacts on budgets all Councils were in agreement to use the most cost-effective option of processing green waste for the near future and to postpone the Expression of interest process for a regional organics facility for the time being.	

Goal	Project Description	Comment	Progress
<ul style="list-style-type: none"> Review viability of implementing kerbside FOGO collections. 	Advertising and media releases.	Website, Newspaper, social media and mail out to affected property owners.	
<ul style="list-style-type: none"> Expand participation in product stewardship (takeback) schemes at Council facilities. 	Stewardship Programs.	Ongoing consultation with service providers to expand the range and number of locations for stewardship schemes.	
3. Best practice and resource recovery infrastructure			
<ul style="list-style-type: none"> Review viable options for Barretta transfer station to accommodate new kerbside services and best practice recommendation (including tip shop services). Upgrade transfer stations to support best practice recommendations. 	Barretta Review.	Ongoing reviews and benchmarking to ensure best practise outcomes.	
<ul style="list-style-type: none"> Perform public place litter and recycling bin stations audits across municipality and review against best practice. 	Public Place bin audits.	Ongoing, public place recycling bin enclosures have been installed along Kingston Beach with the contamination monitored by staff and the collection contractor. Further informational signage has been installed on the enclosures.	
<ul style="list-style-type: none"> Install additional stations and/or upgrade existing bin installations at priority sites. 	Public place bins are being upgraded to 240 litre capacity as identified.	Public place waste and recycling bin enclosures have been installed along Kingston Beach with a CAPEX bid submitted to expand the program during the 2020-21 financial year.	
	Installation of public place recycling bins.	Ongoing, installation of public place recycling enclosures on Bruny Island. The bin enclosures have been manufactured and waiting for signage to be installed. Installation is scheduled for February 2021.	

Goal	Project Description	Comment	Progress
4.Efficient and sustainable governance			
<ul style="list-style-type: none"> Adopt KPI's and targets for the operation and management of Council transfer stations. 	Transfer station KPI's	Developed as part of the Council user agreement.	
<ul style="list-style-type: none"> Implement Kingborough Council policy and procedures for setting waste gate fees aligned with the user pays principle. 	Fees and charges.	Set as part of the budget process.	
<ul style="list-style-type: none"> Implement waste data management system, to: record and report performance; inform decision making and provide greater transparency to the community. 	Data management system	Ongoing as new contracts commence. Waste data has been expanded to include public place bin data for the mainland and Bruny Island public place bin servicing.	
5.Effective community engagement			
<ul style="list-style-type: none"> Roll out ongoing and periodic measurement of community satisfaction with waste services. 	Waste services survey	Ongoing, surveys, social media	
<ul style="list-style-type: none"> Develop a waste avoidance and new/expanded services education program. 	Kerbside collection calendar.	Waste and Recycling guide developed and delivered to coincide with the commencement of the kerbside Green waste service.	
	A draft concept garden plan has been developed for Barretta to promote home composting.	Commencement of the construction of the garden is subject to KWS Board approval and currently under consideration.	
<ul style="list-style-type: none"> Expand participation in product stewardship (takeback) schemes at council facilities. 	Advertising and media releases.	Website, Newspaper and social media.	

Goal	Project Description	Comment	Progress
<ul style="list-style-type: none"> Investigate the causes and effects of illegal dumping and littering across the municipality. 	Illegal dumping.	Consultation with the Council Compliance unit to address illegal dumping at the Gordon camping ground. Signage has been installed and was monitored for three months with minimal impact on reducing illegal dumping. The 600 litre bins have since been removed from the site and a letter has been sent to all residents in the area notifying them the bins are for campground use only with penalties applying for illegal dumping. These further measures have resulted in a reduction in the amount of dumping at the site.	
<ul style="list-style-type: none"> Expand and improve recycling at Council run or supported events. 	Event recycling.	Ongoing, continue to support and promote the Waste Wise Policy at Council run events. Purchase of 240 litre bin lids for general waste, recycling and organics collection at Council events.	

B SOUTHERN WASTE SOLUTIONS AUTHORITY QUARTERLY REPORT APRIL 2021

Attachment 1

Meeting Date:	28 April 2021	Agenda Item #	6.1
Subject:	Authority Quarterly report		
Author:	Christine Bell, CEO		
Relevance:	Reporting		
Recommendation:	That the Authority endorses the Quarterly Report for the quarter ending 31 March 2021 and authorises distribution of the Report to Participating Councils.		

INTRODUCTION

The Authority's Rules require the Authority to be provided with a quarterly report dealing with specific matters

REPORTING

The Authority's Rule 193 requires the CEO to provide the Board with a quarterly report which includes, in relation to the Authority:

- a) a report on general performance;
- b) a report on financial performance
- c) a statement of statutory and environmental compliance
- d) a report on performance in meeting its objectives and goals;
- e) a report on performance under its Business Plan; and
- f) a report on any matters specifically identified by the Authority or significant issues arising from delegated functions.

Rule 194 states that, once approved by the Board, the Quarterly Report shall be provided to the Authority at its next meeting.

DISCUSSION**a) General performance:**

Tonnes delivered continue to exceed budget but are 4% less than the same time last year.

There were no workplace incidents on site at Copping during the period.

Construction of the wetland is complete, and leachate is now running through the system. However, additional expenditure is required to instal the duckweed harvester.

Despite significant rainfall leachate levels are satisfactory, but the level in the secondary stormwater pond was higher than is desirable given that it is a backup for leachate and we are approaching winter with low evaporation rates. Testing of the contents of the pond was undertaken and permission requested from the EPA to discharge the contents in preparation for winter. The pond is now empty.

b) Financial performance:

The net operating result for the period was a profit before income tax of \$1,427,53, \$1,454,512 above budget.

The delay in reducing Clarence City Council gate fees to equal those of other Participating Councils resulted in increases during the period in gate fees, other expenditure, debtors and accrued expenses of approximately \$497,665 for the nine months ended 31 March 2021. A refund has been paid to Clarence City Council for deliveries made to the end of May 2020. At 31 March 2021 the total amount payable to Clarence was \$549,763.

Positive impacts on the financial result include:

- Above budget throughput at Lutana;
- Higher than budget tonnes from Mornington Park Waste Transfer Station C&I; and
- Significantly higher than budget tonnes of low-level contaminated soil, primarily from Macquarie Point. It should be noted that deliveries from this source ended on 30 September 2020.

Negative effects included:

- Lutana transport costs above budget because of above budget throughput; and
- Increased maintenance and operating costs due to increased throughput.

No new bank or investment accounts were opened during the period.

The financial statements and ratios for the period ended 31 March 2021 are **attached**.

c) Statement of statutory, environmental and contractual compliance:

Copping monitoring results for the period have been satisfactory. Monitoring results at Lutana were also satisfactory. During the period covered by this report, the requirements of Environmental Protection Notice No 690/1 (Copping Landfill) and Permit 7554 (Lutana Clinical Waste Treatment Plant) were met other than receipt of pharmaceuticals from DHHS as approved by the EPA and in contravention of the permit issued to the Authority by the EPA.

The requirements of other relevant legislation and regulations including the Local Government Act 1993 have been met. These requirements, together with related actions and their status, are summarised in the attached Mandatory Actions Schedule.

During the period covered by this report the Joint Authority has complied with its obligations under the provisions of contracts to which it is a party. The other parties to contracts with the Authority have also met their obligations under those contracts. Major contracts are listed in the **attached** Mandatory Actions Schedule.

d) Report on performance in meeting Principal Objectives and Goals:

The report is **attached**.

e) Report on performance under Business Plan:

The report is **attached**.

ATTACHMENT 1: Financial Statements March 2021

ATTACHMENT 2: Ratios March 2021

ATTACHMENT 3: Mandatory Actions Schedule

ATTACHMENT 4: Report on performance in meeting Principal Objectives and Goals

ATTACHMENT 5: Report on performance under Business Plan

COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY
INCOME STATEMENT
For the Period Ended 31 March 2021

Attachment 1: 1/3

	Actual YTD 2020 - 21	Budget YTD 2020 - 21	Variance YTD 2020 - 21	Budget Full Year 2020 - 21	Actual Full Year 2019-20
Revenue					
Gate waste receipts *	6,757,135	4,703,891	2,053,244	6,271,855	8,884,568
Gate waste receipts - special projects	852,071	-	852,071	-	3,068,757
Other	686,103	681,515	4,588	908,687	1,309,343
	<u>8,295,309</u>	<u>5,385,407</u>	<u>2,909,903</u>	<u>7,180,542</u>	<u>13,262,668</u>
Expenditure					
Depreciation & amortisation	722,955	930,320	207,365	1,240,426	1,184,596
Capping costs	434,154	186,677	(247,477)	248,903	481,452
Borrowing costs loans	20,305	32,882	12,577	43,842	61,868
Borrowing costs leases **	208,806	148,479	(60,327)	197,972	280,270
Employee benefits expense	849,369	952,978	103,609	1,270,637	1,124,505
Lease expenses other	487,894	68,790	(419,104)	137,580	8,523
Leased property depreciation **	203,028	165,269	(37,760)	220,358	309,259
Maintenance and operating costs	2,812,404	2,323,702	(488,702)	3,098,269	3,756,684
Other expenses *	1,017,899	374,127	(643,772)	748,253	1,311,573
C cell opex	110,942	7,685	(103,257)	10,247	142,129
	<u>6,867,756</u>	<u>5,190,908</u>	<u>(1,676,849)</u>	<u>7,216,487</u>	<u>8,620,859</u>
Operating profit (loss) for the period before tax	<u>1,427,553</u>	<u>194,499</u>	<u>1,233,054</u>	<u>(35,945)</u>	<u>4,641,809</u>
Income tax expense (benefit)	371,164			(9,885)	1,296,091
Net result after tax	<u>1,056,389</u>			<u>(26,060)</u>	<u>3,345,718</u>

* Clarence \$498k

** Lease calculations were reassessed after budget was finalised

**COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY
BALANCE SHEET**

As at 31 March 2021

Attachment 1: 2/3
SWS

	Balance Mar-21	Balance Jun-20
Current Assets		
* Bank accounts	8,376,351	7,248,334
Accounts receivable	1,111,561	1,323,061
Loan C Cell Pty Ltd	68,673	-
Other	230,419	163,054
	<u>9,787,004</u>	<u>8,734,449</u>
Non Current Assets		
Plant & equipment	5,407,638	5,250,316
Right of use assets	8,529,295	8,761,239
Deposit Huon Valley Council	100,000	100,000
Investment C Cell Pty Ltd	2,636,666	2,636,666
Loan C Cell Pty Ltd	642,455	745,726
Work in progress	4,052,219	3,180,697
Deferred Income Tax	720,828	720,828
	<u>22,089,101</u>	<u>21,395,472</u>
Total Assets	<u>31,876,105</u>	<u>30,129,921</u>
Current liabilities		
Accounts payable	446,724	831,646
Accruals	1,452,160	712,255
Income tax payable	665,510	1,562,319
Provision for leave	140,706	140,706
Provision for cell capping	200,000	200,000
Borrowings	331,340	362,117
Lease liability	82,291	75,386
	<u>3,318,731</u>	<u>3,884,429</u>
Non current liabilities		
Provision for leave	26,694	26,694
Provision for cell capping	2,452,728	2,203,573
Borrowings	435,301	633,676
Lease liability	8,867,038	8,930,224
Deferred Income Tax	750	750
	<u>11,782,511</u>	<u>11,794,917</u>
Total Liabilities	<u>15,101,242</u>	<u>15,679,346</u>
Net Assets	<u>16,774,862</u>	<u>14,450,575</u>
Equity		
Funds contributed	5,065,912	4,239,470
Accumulated funds	11,708,950	10,211,105
Total Equity	<u>16,774,862</u>	<u>14,450,575</u>
* Financial Commitments		
Bank accounts	8,376,351	
Accounts receivable	1,111,561	
Accounts payable	(446,724)	
Capping	(2,652,728)	
Accruals	(1,452,160)	
Budget capex 2020-21	(776,580)	
	<u>4,159,720</u>	

Note: 2022-23 Clinical waste 2,770,000

COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY
TONNES DELIVERED

Attachment 1: 3/3

Date	CCC	MPWTS C&I	Sorell	Tasman	GSBC	HVC	SMC	BODC	K/Borough	Other	Lutana	Total
Jul-19	1,172.72	2,413.60	270.10	72.13	161.00	478.14	57.04	180.56	781.18	539.27	4,769.32	10,895.06
Aug-19	1,255.70	2,323.46	252.54	67.90	174.88	470.58	57.22	187.96	804.62	1,037.02	4,569.70	11,201.58
Sep-19	1,387.61	2,125.97	330.24	94.00	191.28	441.64	55.70	178.38	787.54	945.38	4,584.20	11,121.94
Oct-19	1,822.10	2,618.82	265.40	88.40	222.72	522.52	71.28	255.02	916.86	507.14	4,930.64	12,220.90
Nov-19	1,068.32	2,677.92	349.84	83.62	233.30	483.60	54.62	196.34	858.84	588.04	4,819.86	11,414.30
Dec-19	1,746.01	2,293.16	250.46	90.56	244.24	552.44	57.20	229.10	937.08	2,979.92	4,819.48	14,199.65
Jan-20	1,604.56	2,190.02	294.10	107.60	342.56	581.66	64.92	356.48	1,056.28	3,540.66	4,763.96	14,902.80
Feb-20	1,505.36	2,159.58	368.10	86.20	215.06	477.96	57.02	173.46	792.56	4,650.15	4,254.12	14,739.57
Mar-20	1,644.73	2,161.53	274.52	95.85	221.58	517.74	56.36	254.70	880.94	1,571.15	4,610.44	12,289.54
Apr-20	1,898.46	1,721.52	272.10	59.30	169.84	474.98	78.76	270.72	959.42	2,652.94	3,861.28	12,419.32
May-20	1,699.33	1,731.43	382.78	93.14	173.94	504.46	58.22	220.44	914.02	13,838.28	3,930.70	23,546.74
Jun-20	1,635.73	1,893.19	263.24	67.35	199.12	643.52	56.40	201.24	860.10	3,409.99	4,208.40	13,438.28
Jun-16	1,656.23	2,029.93	314.43	67.70	180.54	608.66	68.92	229.74	899.16	6,573.10	3,988.88	16,617.29
Jul-16	1,564.84	1,973.36	406.46	81.70	200.24	627.32	57.30	177.32	790.62	2,346.50	3,692.90	11,918.56
Aug-16	1,693.62	1,899.98	349.70	116.15	199.02	524.28	70.98	213.76	879.04	386.15	3,988.58	10,321.26
Sep-16	2,195.32	1,778.96	360.42	114.17	258.72	571.08	69.56	276.28	1,218.18	554.23	4,285.04	11,681.96
Oct-16	1,685.20	1,789.26	360.85	83.03	251.78	531.12	62.22	229.02	933.06	743.94	4,032.12	10,701.60
Nov-16	1,852.61	2,069.25	184.64	96.81	280.70	694.16	73.16	294.72	1,316.88	1,319.65	4,421.78	12,604.36
Dec-16	1,752.94	1,541.05	310.10	117.70	357.64	591.98	64.24	325.04	914.34	760.29	4,060.70	10,796.02
Jan-17	1,561.27	1,864.11	449.40	92.54	234.14	539.42	63.74	229.02	854.68	1,859.46	4,010.24	11,758.02
Feb-17	1,663.24	2,056.26	366.56	103.22	270.54	568.00	74.10	272.50	1,204.24	1,163.52	4,666.49	12,408.67
Mar-17												
Apr-17												
May-17												
Fin YTD	15,625.27	17,002.16	3,102.56	873.02	2,233.32	5,256.02	604.22	2,247.40	9,010.20	15,706.84	37,146.73	108,807.74
Last yr FYTD	13,207.11	20,964.06	2,655.30	786.26	2,006.62	4,526.28	531.36	2,012.00	7,815.90	16,358.73	42,121.72	112,985.34
% change	18.31	(18.90)	16.84	11.03	11.30	16.12	13.71	11.70	15.28	(3.98)	(11.81)	(3.70)
Last yr MTH	1,644.73	2,161.53	274.52	95.85	221.58	517.74	56.36	254.70	880.94	1,571.15	4,610.44	12,289.54
% change	1.13	(4.87)	33.53	7.69	22.10	9.71	31.48	6.99	36.70	(25.94)	1.22	0.97
	CCC	MPWTS C&I	Sorell	Tasman	GSBC	HVC	SMC	BODC	K/Borough	Other	Lutana	Total

SOUTHERN WASTE SOLUTIONS
FINANCIAL RATIOS

Attachment 2: 1/5

ANNUAL	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Sales	2,962	3,235	4,093	6,946	4,943	5,415	6,395	8,386	7,739	9,208	13,263	10,090
EBIT*	232	226	683	1,231	493	354	705	2,935	1,535	2,683	4,984	1,556
Interest paid	356	360	353	324	276	239	205	157	121	83	342	242
Income tax	0	0	99	272	65	36	161	841	427	780	1,296	271
Net result	(124)	(134)	231	635	152	79	339	1,937	987	1,820	3,346	1,043
Total assets	6,872	7,342	7,436	10,356	10,226	9,836	10,087	12,538	13,215	15,960	30,130	31,876
Current assets	820	588	1,107	3,231	3,198	2,116	2,335	3,664	4,858	7,581	8,734	9,787
Debtors	311	446	525	597	782	572	703	872	809	977	1,323	1,112
Total liabilities	6,246	6,850	6,414	7,399	6,596	6,057	5,970	6,229	5,260	4,846	15,679	15,101
Current liabilities	866	1,059	1,034	3,256	2,918	1,506	2,012	2,820	2,098	1,896	3,884	3,319
Borrowings	5,735	6,176	5,785	4,569	4,125	3,651	3,145	2,604	2,031	1,485	10,001	9,715
Equity	626	492	1,022	2,957	3,630	3,779	4,118	6,309	7,955	11,114	14,451	16,775
Profitability	8%	7%	17%	18%	10%	7%	11%	35%	20%	29%	38%	15%
Asset performance	43%	44%	55%	67%	48%	55%	63%	67%	59%	58%	44%	32%
ROA	3%	3%	9%	12%	5%	4%	7%	23%	12%	17%	17%	5%
Interest cover	65%	63%	193%	380%	179%	148%	344%	1869%	1269%	3233%	1457%	643%
Debt performance	83%	84%	78%	44%	40%	37%	31%	21%	15%	9%	33%	30%
Debt to equity	916%	1255%	566%	155%	114%	97%	76%	41%	26%	13%	69%	58%
Current ratio	95%	56%	107%	99%	110%	141%	116%	130%	232%	400%	225%	295%

* Adjusted in 2001 to 2008 inclusive for lease fees paid in 2008 covering 2001 to 2007 financial years

Note 2009 WTS investment - significant increase in both assets and liabilities

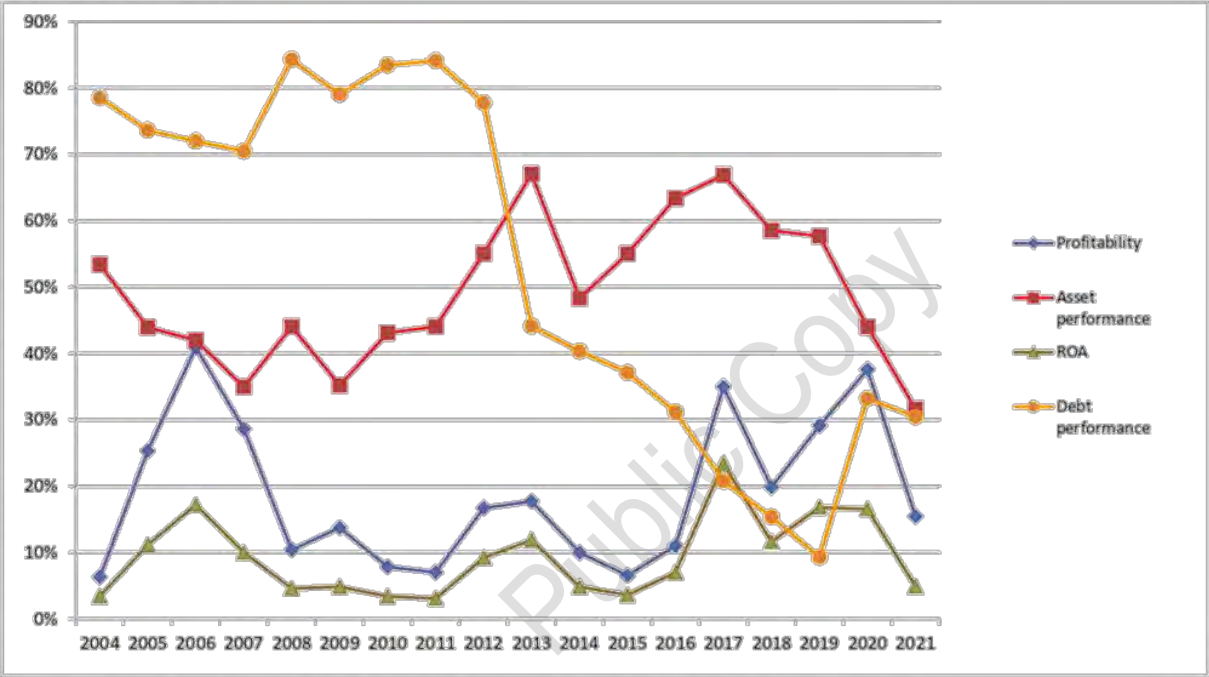
Note 2017 includes \$1.7m grant income, 2018 \$303k

Note 2020 and onwards includes lease assets and lease liabilities

MONTHLY CUM	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE
Sales	1,433	2,385	3,146	4,000	4,753	5,654	6,421	7,380	8,295			
EBIT*	718	1,078	1,203	1,399	1,029	1,214	1,328	1,473	1,656			
Interest paid	26	54	81	106	130	155	181	205	229			
Income tax	190	266	292	336	234	275	298	330	371			
Net result	502	758	830	957	665	784	849	938	1,056	0	0	0
Total assets	30,398	30,805	30,888	31,252	31,375	31,031	31,246	31,532	31,876			
Current assets	9,057	9,200	9,002	9,096	9,206	8,877	9,137	9,595	9,787			
Debtors	1,609	1,103	857	935	968	1,177	936	1,125	1,112			
Total liabilities	14,864	14,940	14,926	15,118	15,635	15,131	14,751	14,917	15,101			
Current liabilities	3,040	3,079	3,003	3,199	3,905	3,456	3,039	3,168	3,319			
Borrowings	10,001	9,989	9,982	9,933	9,887	9,782	9,776	9,769	9,715			
Equity	15,533	15,865	15,963	16,134	15,740	15,900	16,494	16,615	16,775			
Profitability (exc intere	50%	45%	38%	35%	22%	21%	21%	20%	20%			
Debt performance	33%	32%	32%	32%	32%	32%	31%	31%	30%			
Debt to equity	64%	63%	63%	62%	63%	62%	59%	59%	58%			
Current ratio	298%	299%	300%	284%	236%	257%	301%	303%	295%			
Interest cover	2762%	1996%	1485%	1320%	792%	783%	734%	719%	723%			

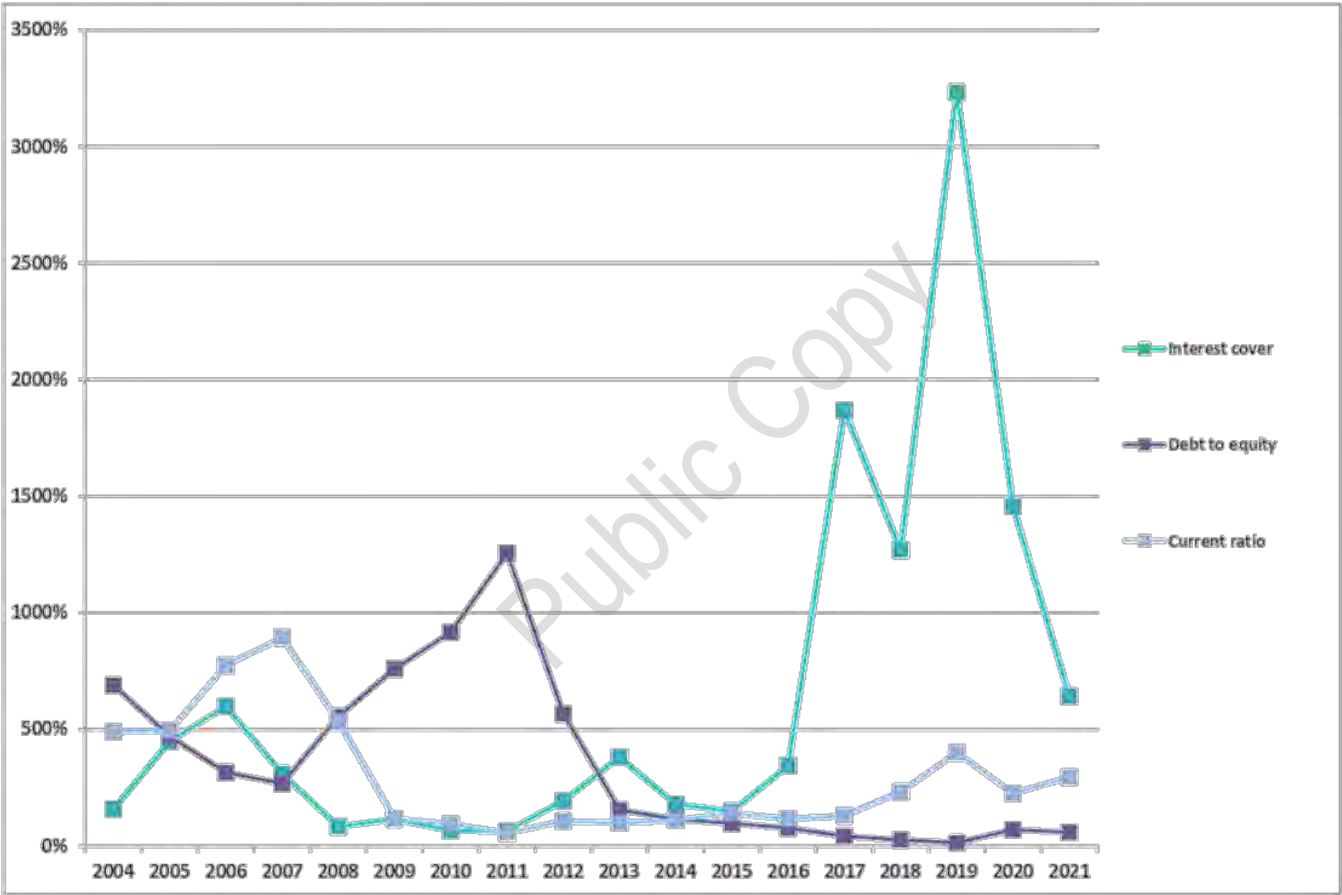
SOUTHERN WASTE SOLUTIONS
FINANCIAL RATIOS - ANNUAL

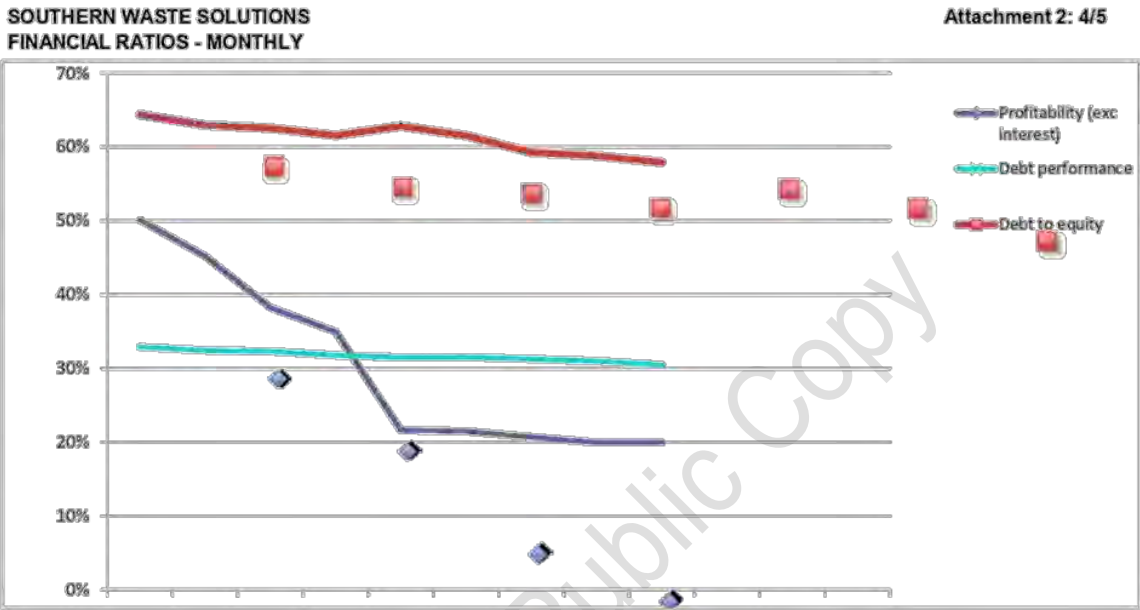
Attachment 2: 2/5



SOUTHERN WASTE SOLUTIONS
FINANCIAL RATIOS - ANNUAL CONTINUED

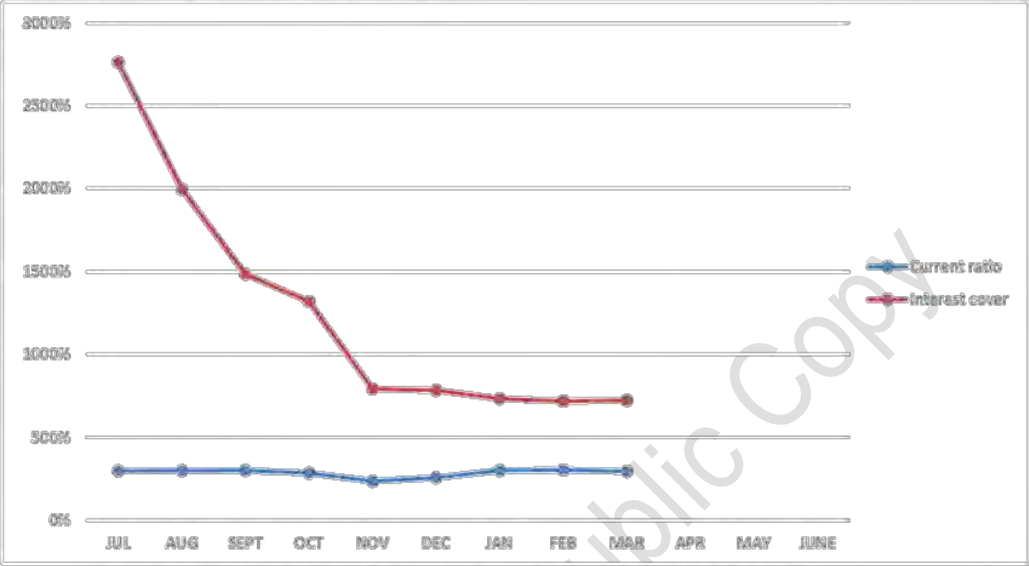
Attachment 2: 3/5





SOUTHERN WASTE SOLUTIONS
FINANCIAL RATIOS - MONTHLY CONTINUED

Attachment 2: 5/5



**COPPING REFUSE DISPOSAL SITE
MANDATORY ACTIONS SCHEDULE**

Attachment 3: 1/3

Action	J	A	S	O	N	D	J	F	M	A	M	J	Who
Ground Water Monitoring Copping - including C Cell	A	S	O	N	D	J	F	M	A	M	J	CEO	
Issue: Regular monitoring (quarterly, 6 monthly and annual) required by EPNs													
Action/Status: Sampling completed per schedule with satisfactory results. EPA is notified immediately.													
Annual Review of Downer Operations	J			S	O	N	D	J	F	M	A	M	CEO
Issue: Downer to report re contract compliance.													
Action/Status: 2020 report received in September with satisfactory results.													
Annual Review of Operations per EPN G6 (a)	J	A	S	O	N			J	F	M	A	M	CEO
Issue: Annual review of operations to EPA each December													
Action/Status: CEO provided the 2020 report in September 2020.													
Annual Volumetric Survey (including copy to landowners)	J			S	O	N	D	J	F	M	A	M	CEO
Issue: EPN requires survey to be forwarded to EPA and adjoining land owners within 14 days of receipt.													
Action/Status: Mailed to owners and EPA in September 2020.													
Quarterly Operations Report to Site Citee	J		S	O		D	J		M	A		J	CEO
Issue: Performance review per Downer contract, between Downer and Site Ops Committee													
Action/Status: Performance to date has been satisfactory.													
Review DPEMP by 30/09/06, rpt within 3 mths, then 5 yrly	J	A			O	N	D	J	F	M	A	M	CEO
Issue: EPN requirement G6 b)													
Action/Status: Pitt & Sherry's 2016 review was forwarded to the EPA in September 2016.													
Report sources of waste to Director of Environment	J	A			O	N	D	J	F	M	A	M	CEO
Issue: Annually by 30/9 each year for preceding financial year.													
Action/Status: Provided monthly.													
Annual General Meeting	J	A	S			N	D	J	F	M	A	M	Sec
Issue: Rule 97 requires AGM by the end of November each year													
Action/Status: Meeting was held on 28 November 2019. The 2020 AGM is scheduled for 26 November.													
Estimate of Financial Commitments	J	A	S	O	N	D	J		M	A	M	J	CEO
Issue: Rule 182 (e) requires councils to be advised of estimated financial commitments by 28 February.													
Action/Status: Letters sent in February 2020 as required.													
Budget	J	A	S	O	N	D	J	F		A	M	J	CEO
Issue: Draft to Participating Councils by end of March - Rule 185.													
Action/Status: Provided in March 2020 as required.													
Business Plan	J	A	S	O	N	D	J	F	M	A		J	CEO
Issue: Rule 181 requires CEO to prepare by 31 May and Authority to consider by 30 June.													
Action/Status: The 2020-2023 plan was approved by the Authority on 14 May 2020.													
Strategic Plan	J	A	S	O	N	D	J	F	M	A		J	CEO
Issue: Rule 181 requires CEO to annually update the 5 year plan for Authority endorsement.													
Action/Status: As above re the Business Plan.													
Quarterly Report (general and fin'l performance) to Authority	J	A		O	N			J	F		A	M	CEO
Issue: Required by Local Government Act and reflected in Rules 193-197													
Action/Status: Tabled and presented as required													
Prepare Financial Statements for Audit	J			S	O	N	D	J	F	M	A	M	CEO
Issue: Required by Local Government Act within 45 days of end of year													
Action/Status: An unmodified audit opinion was received in September 2020.													

Provide the Authority with an Annual Report Issue: <i>Required by Rule 10(h)</i> Action/Status: <i>The 2020 Annual Report will be provided to the Authority at its AGM on 26 November 2020.</i>	J A S N D J F M A M J	CEO
Attachment 3: 2/3		
Annual financial information to Tascorp Issue: <i>Required by loan agreement</i> Action/Status: <i>The annual report was provided in October 2020.</i>	J A S N D J F M A M J	CEO
Statement by Board of Directors to Tascorp Issue: <i>Required by loan agreement – at same time as annual financial statements</i> Action/Status: <i>The statement will be provided in October 2020.</i>	J A S N D J F M A M J	CEO/Sec
Half yearly management report to Tascorp Issue: <i>Required by loan agreement</i> Status: <i>Provided as required.</i>	J A S O N D J F M A M J	CEO
Copping lease amount to be reviewed, including annual CPI increase Issue: <i>Triennial / annual CPI required by Lease and Rules.</i> Action/Status: <i>The Valuer General reviewed the lease amount on behalf of the land owners in March 2019.</i>	J A S O N D J F M A M J	Authority
Monitoring Results (executive summary) to Landowners; and Records and Results to EPA Issue: <i>Required by EPN to be sent to adjoining landowners and DPI/PWE within 14 days.</i> Action/Status: <i>Sent as required. They are also published on our web site.</i>	J S O D J M A J	CEO
Notice of Authority meetings to Landowners 14 days prior Issue: <i>EPN requires agendas to be fwded to adjoining landowners prior to meetings.</i> Action/Status: <i>Requirement being met</i>	J A S O N D J F M A M J	Sec
Notice of Authority Meetings to Members, Directors, GMs, Auditors Issue: <i>Rules require 14 days notice</i> Action/Status: <i>Requirement being met</i>	J A S O N D J F M A M J	Sec
Code of tendering to be reviewed every 4 years, or earlier Issue: <i>Local Government Act requires a code and a review at least every 4 years</i> Action/Status: <i>Code in place, last reviewed May 2019.</i>	J A S O N D J F M A M J	CEO
Annual review of statutory requirements Issue: <i>Rule 198 requires the CEO to provide a report on statutory compliance in April each year.</i> Action/Status: <i>Monitoring of compliance is ongoing. Each quarterly report includes a statement that all statutory obligations are being met. A specific report was included in the Board's April 2020 agenda and was provided to the Authority in May 2020.</i>	J A S O N D J F M A M J	CEO
Annual review of contractual obligations Issue: <i>Rule 200 requires a review by the Board each April.</i> Action/Status: <i>Included in the Board's April 2020 papers.</i>	J A S O N D J F M A M J	CEO
Annual Review of Compliance Derwent Park medical waste Issue: <i>EPN G12 requires an annual review to the Director within 3 months of the end of each financial year.</i> Action/Status: <i>Satisfactory report was sent to the Director in September 2020.</i>	J A O N D J F M A M J	CEO
EMP Operations (Lutana) Issue: <i>Permit condition G10 requires a report to the EPA each 5 years as at April.</i> Action/Status: <i>5 yearly report provided to the EPA in April 2018.</i>	J A S O N D J F M A M J	CEO
Annual Report of waste received	J A O N D J F M A M J	CEO

Issue: The Federal Government requires annual reporting of waste types received by September each year
Action/Status: The 2020 report was submitted.

C Cell sub lease rent review J A S O N D J F M A M J CEO

Issue: Review due each 3rd anniversary of 1 September 2016 - notice 3 months in advance.

Action/Status: No increase warranted. Letter dated 31 May 2019 provided. Due Sept 2022.

Review Participating Council gate fees J A S O N D J F M A M J CEO

Issue: Contracts require a review due in May each year.

Action/Status: Clarence contract still not amended - a workaround is in place.

Attachment 3: 3/3

Annual C cell environmental review to EPA J A S O N D J F M A M J CEO

Issue: Review for period ended 30 November to be submitted to EPA within 3 months.

Action/Status: Report was submitted in January 2021. Acknowledgement of compliance has been received.

Major contracts, leases etc:	
Land owner councils	landfill site lease
Participating Councils	waste agreements
Downer	landfill site operations, excavator hire
BE & CF Morey	waste transport
Aquasci	landfill monitoring
Huon Valley Council	receipt, compaction, transport & disposal of waste
Glamorgan Spring Bay Council	disposal of waste
Tascorp	loan agreement
Break O Day Council	receipt, compaction, transport & disposal of waste
Department of Health & Human Services	medical waste treatment and disposal
SSAA Blue Hills Sporting Shooters Club Inc	sub lease Copping
LMS Energy	landfill gas management
Stroud Pty Ltd	sub lease Copping
Hobart & Glenorchy City Councils	Lutana lease
Board members	Deeds of appointment
C Cell	Unit Holders Agreement
C Cell	management agreement
C Cell	loan agreement

COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY

Attachment 4: 1/2

PERFORMANCE IN MEETING PRINCIPAL OBJECTIVES AND GOALS

For the Quarter Ended 31 March 2021

The Authority's principal goals and objectives, and its performance against them during the preceding quarter, are as follows:

1. To manage and operate the (Copping landfill) Site for the purposes of waste treatment, landfill disposal, resource recovery, and/or energy generation and for related purposes and in a manner which conforms to the Environmental Approvals

During the period covered by this report the Authority

- (i) did not undertake any waste treatment activities on the Site*
- (ii) managed and operated the Site for the purpose of landfill disposal*
- (iii) did not undertake any resource recovery activities on the Site*
- (iv) generated energy on the Site*
- (v) managed and operated the Site in a manner that conformed to the Environmental Approvals*

2. To manage the Balance Area

During the period covered by this report the Authority managed the Balance Area

3. To manage successfully the operation of the (Copping landfill) Site and Balance Area, which may be by or involve third parties by operating efficiently in accordance with sound commercial practice

During the period covered by this report the Authority successfully managed

- (i) the operation of the Site by operating efficiently in accordance with sound commercial practice*
- (ii) the Balance Area by operating efficiently in accordance with sound commercial practice*

4. To manage successfully the operation of the (Copping landfill) Site and Balance Area, which may be by or involve third parties by maximising the net worth of the Authority's assets

During the period covered by this report the Authority successfully managed

- (i) the Site by maximising the net worth of the Authority's assets subject to pricing decisions made by the Authority*
- (ii) the Balance Area by maximising the net worth of the Authority's assets subject to pricing decisions made by the Authority*

Attachment 4: 2/2

5. To manage successfully the operation of the (Copping landfill) Site and Balance Area, which may be by or involve third parties by operating and managing both to maximise benefits to Members

During the period covered by this report the Authority successfully managed both the Site and the Balance Area to maximise benefits to Members

6. To perform such other functions and provide such other services and facilities either on or off the (Copping landfill) Site as are necessary for achieving the Principal Objectives and Goals, which may be by or involve third parties, including but not limited to waste transfer stations and waste transport services

During the period covered by this report the Authority performed such functions, including but not limited to waste transfer stations and waste transport services

- (i) on the Site as were necessary for achieving the Principal Objectives*
- (ii) off the Site as were necessary for achieving the Principal Objectives*
- (iii) on the Site as were necessary for achieving the Goals*
- (iv) off the Site as were necessary for achieving the Goals*

COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY
PERFORMANCE UNDER BUSINESS PLAN
 For the Period Ended 31 March 2021

Attachment 5: 1/7

The Authority's performance during the preceding quarter against the activities and performance measures included in its Strategic Plan is as follows:

1. Sustainably manage the solid waste stream in southern Tasmania.

1.1 Maintenance of a financially viable business through:

<i>Activity:</i>	<i>Performance Measure:</i>
<ul style="list-style-type: none"> Generating sufficient profit to fund future obligations and capital expenditure 	Return an acceptable operating profit to fund future needs.
	<i>Net result YTD is positive.</i>
<ul style="list-style-type: none"> Reinvesting in the business 	Achieve an appropriate level of reinvestment in the business to ensure sufficient capital for future development.
	<i>The current year capital works program is self-funded. There are sufficient funds available to fund the forward capital works program.</i>
<ul style="list-style-type: none"> Preparing for the possibility of distributing dividends in future years 	Make appropriate changes to the Rules if necessary.
	<i>Appropriate Rule changes are in progress.</i>
	Develop a policy including criteria to guide the determination of any dividend.
	<i>A policy to guide the determination of any dividend has been approved and will be implemented when Participating Councils begin to pay commercial gate fees.</i>

ATTACHMENT 5

<ul style="list-style-type: none"> • Taking a leadership role in discussions about the management of solid waste in Southern Tasmania 	<p>Demonstrated contribution to the improved management of solid waste in Southern Tasmania.</p>
	<p><i>The Authority provided comments to the State Government on its Draft Waste Management Plan and the Board Chair and CEO have met with the Minister.</i></p>
<ul style="list-style-type: none"> • Managing leachate on site 	<p>No leachate transported off site for treatment and / or disposal.</p>
	<p><i>Leachate levels remain satisfactory despite unusually high rainfall.</i></p> <p><i>No leachate has been carted off site.</i></p> <p><i>The wetland trial has begun.</i></p>
<ul style="list-style-type: none"> • Building and maintaining effective relationships with the Tasmanian Government and regulatory organisations 	<p>Initiatives and opportunities undertaken to build effective relationships with the Tasmanian Government and regulatory organisations.</p>
	<p><i>The Board Chair and CEO meet with the EPA Director quarterly and met with the Minister on two occasions.</i></p>
<ul style="list-style-type: none"> • Maintaining access to human resources 	<p>Monitor and maintain HR requirements to ensure they keep pace with the changing environment.</p>
	<p><i>Changes to the organisation structure will be proposed in the 2021-22 Budget and associated Business Plan.</i></p> <p><i>SWS has a reputation as a good employer and is often approached by potential employees.</i></p>

ATTACHMENT 5

<ul style="list-style-type: none"> • Maintaining access to capital funding 	<p>Monitor and maintain capital requirements to ensure this keeps pace with the changing environment.</p>
	<p><i>The Authority's balance sheet is in a sound position and is able to support capital investment going forward.</i></p>
<ul style="list-style-type: none"> • Securing tenure of the Lutana site or a viable alternative location 	<p>Finalise a suitable waste transfer site for the long term.</p>
	<p><i>An extension to the current lease is in progress but the term is unlikely to be more than 5 years.</i></p> <p><i>Discussions about purchase of the site were commenced but have not progressed.</i></p> <p><i>Investigations to find a new site have begun.</i></p>
<ul style="list-style-type: none"> • Influencing the implementation of the Tasmanian Government's Waste Management Plan 	<p>Minimise any adverse financial impact from the introduction of a waste levy.</p>
	<p><i>The SWS Board Chair and CEO discussed this matter with the Minister, who undertook to ensure that the levy will be payable at source rather than by landfills. This is not evident in the draft legislation but may be dealt with by regulation.</i></p>
	<p>Participate in discussions with Government about the implementation of actions that may impact the business, including the collection and distribution of any levy.</p>
	<p><i>The SWS Board Chair and CEO discussed this matter with the Minister on two occasions.</i></p>

ATTACHMENT 5

2. Ensure robust compliance, management and oversight of the business.

2.1 Maintain compliance across all aspects of the business.

Activity:	Performance Measure:
	Meet all material compliance obligations.
	<i>All such obligations are being met.</i>

2.2 Ensure that the business is well managed and sufficiently flexible to meet future challenges with a focus on an effective and responsive operating model.

Activity:	Performance Measure:
	Update the review of likely capital and human resource requirements during the plan period.
	<i>The plans are updated at least annually.</i>
	Review outsource vs insource models of operation as contracts come up for renewal.
	<i>No contracts have come up for renewal during the plan period.</i>
	Update the succession plan.
	<i>Renewal of the Board is complete. Planning to replace the CEO will begin in the near future.</i>
	Formalise a business continuity plan.
	<i>A continuity plan, including a summary document and communications plan, has been approved.</i>
	Review and update the Risk Management Plan.
	<i>The Plan is formally reviewed at least annually, or as circumstances and / or operations change.</i>

ATTACHMENT 5

- 2.3 Ensure that stakeholders including customers, shareholders and the broader community are kept appropriately informed, with an emphasis on education and marketing.

Activity:	Performance Measure:
	Participate in workshops and / or meetings with Participating Councils.
	<i>The Board Chair and CEO participated in workshops with Tasman Council and Clarence City Council. Other Participating Councils have not yet been arranged.</i>
	Continue to regularly distribute newsletters to the community.
	<i>Refer above. Newsletters are distributed quarterly and are well received.</i>
	Increase site visits including via implementation of a schools' program.
	<i>Refer above. The program has been on hold due to COVID-19.</i>
	Progress the relationship with Landcare Tasmania.
	<i>The Authority is Landcare Tasmania's first corporate member. Activities were paused due to COVID-19 but are now recommencing.</i>
	Develop new stakeholder engagement plan with the PR consultant.
	<i>Timmins Ray has developed a plan which has been adopted by the Board.</i>

C DELEGATED AUTHORITY LIST 6 MAY 2021 TO 26 MAY 2021

DEVELOPMENT APPLICATIONS FOR PERMITTED DEVELOPMENT/USE		
DA-2021-175	Ms N A Dickson 688 Adventure Bay Road ADVENTURE BAY	Partial change of use from residential to visitor accommodation (first floor only)
DA-2021-204	Ms E J Percival 4052 Bruny Island Main Road ALONNAH	Change of use from residential to visitor accommodation
DA-2021-229	Miss P K Martyn 'Channel Court', Shops 91 & 92B 29 Channel Highway KINGSTON	Change of use tenancy 91 and internal additions and alterations to 91 and 92B
DEVELOPMENT APPLICATIONS FOR DISCRETIONARY DEVELOPMENT/USE		
DA-2020-442	G Hills & Partners Architects 14C Bonnie Vale Drive HOWDEN	Dwelling, outbuilding (shed) and works (driveway)
DA-2020-513	Mr D C Baker 116 Cemetery Road LUNAWANNA	Dwelling and outbuilding (garage)
DA-2020-647	JMG Engineers 10 & 16 Marina Drive BARRETTA	Alterations and extensions to fish processing facility
DA-2020-732	Wilson Homes Tasmania P/L 54 Henwood Drive KINGSTON	Dwelling
DA-2021-23	Wilson Homes Tasmania P/L 22 Derwent Avenue MARGATE	Dwelling
DA-2021-26	Mr K & Mrs M Clarke 166 Tinderbox Road TINDERBOX	Extensions and alterations to dwelling (including internal modifications, decks, pool, spa, pergola and carport), outbuildings (shed, carport and sauna) and demolition of outbuilding (shed)
DA-2021-40	Wilson Homes Tasmania P/L 81 Eldridge Drive KINGSTON	Dwelling
DA-2021-66	Tim Penny Architecture 4A Ocean Esplanade BLACKMANS BAY	Extension and alterations to dwelling
DA-2021-76	Mr J Bremner & Miss L Jones 148 Cades Drive KINGSTON	Extension to dwelling (bathroom/laundry)
DA-2021-81	Snug Primary School 2208 Channel Highway SNUG	Demolish one existing outbuilding (shed) and construct a new outbuilding

DA-2021-89	Mr D Cantwell 3 Pearsall Street SNUG	Alterations to dwelling and new ancillary dwelling/workshop
DA-2021-95	Mr N Maher 2 McPhersons Road ADVENTURE BAY	Outbuilding (shed)
DA-2021-96	Miss H Brinken 32 Powell Road BLACKMANS BAY	Two multiple dwellings (one existing)
DA-2021-101	Dr J & Mrs R Osborn 12 Blackwood Grove MARGATE	Extension and alterations to dwelling, outbuilding (shed) and demolition of conjoined shed
DA-2021-106	Mrs S R Weeding 13A Ritchie Street ALONNAH	Frontage fencing and extension to deck
DA-2021-107	Bruny Island Community Association 'Mills Reef Park', Lot 1 William Carte Drive ALONNAH	Mills Reef Park (landscaping and minor earthworks only) – Public Park
DA-2021-118	MK Drafting & Design 5 Henwood Drive KINGSTON	Dwelling
DA-2021-119	Telstra Corporation – Acquirecomm P/L P 2812 Halls Track Road SANDFLY	Installation of antennae and equipment to existing Telstra tower
DA-2021-124	Rainbow Building Solutions 90 Cripps Road WOODBIDGE	Outbuilding (garage)
DA-2021-125	Mr R B De Jong 41 Cuthberts Road MARGATE	Retrospective earthworks, cutoff drains and proposed retaining walls
DA-2021-130	Mr N Smith 43 Wilsons Road KETTERING	Outbuilding (shed)
DA-2021-149	Gray Planning 85 Old Station Road LOWER SNUG	Ancillary dwelling, outbuildings and carport - Retrospective
DA-2021-152	Ms B Newman 117 Wingara Road HOWDEN	Dwelling and outbuildings (shed and carports)
DA-2021-162	Wilson Homes Tasmania P/L 5 London Way KINGSTON	Dwelling
DA-2021-163	Mr T Wilson & Ms E Pressnell 54 Davies Road LOWER SNUG	Outbuilding (garage/shed)

DA-2021-164	L J Hooker Pinnacle 37-39 Beach Road KINGSTON	Partial change of use to real estate agency with signage
DEVELOPMENT APPLICATIONS FOR MINOR AMENDMENTS TO PERMIT		
DA-2019-182/A	Wilson Homes Tasmania P/L 77 McQueens Road SNUG	Rotation of building, internal reconfiguration, extended driveway and new carport/workshop
DA-2020-274/A	Mr N Rudenno & Ms L Harrison 24 Stringybark Road BONNET HILL	Replace retaining walls with battered slope and open swale drain
DEVELOPMENT APPLICATIONS FOR NO PERMIT REQUIRED		
DA-2021-158	G Hills & Partners Architects 91 Hollyhock Drive KINGSTON	Dwelling
DA-2021-211	Wilson Homes Tasmania P/L 92 Hollyhock Drive KINGSTON	Dwelling
DA-2021-221	Mr C McConnon & Ms S Blackler 9 Lowana Court KINGSTON BEACH	Extensions and alterations to existing dwelling
DA-2021-231	Mr S & Mrs L Pharaoh 16 Cottage Road KINGSTON	Outbuilding (shed/carport)
DA-2021-245	Wilson Homes Tasmania P/L 22 Homestead Place KINGSTON	Dwelling
DA-2021-253	Mr A & Miss K Cooper 27 Ferguson Court KINGSTON	Extension to dwelling (deck)

D NOTIFICATION OF NATURAL RESOURCE MANAGEMENT UNIT NAME CHANGE**File Number:** 8.76**Author:** Liz Quinn, NRM Coordinator**Authoriser:** Jon Doole, Manager Environmental Services**BACKGROUND**

1. In 2003 the Federal Government initiated a new model of funding for environmental management. This program led to the development of the Tasmanian Government's Natural Resource Management (NRM) Framework. Under this framework three regional NRM organisations were established in Tasmania to develop and implement regional strategies to address natural resource issues such as the management of water, soil and biodiversity; coastal and marine environments; and weeds, pest and diseases.
2. A new organisation, NRM South was set up in Southern Tasmania as an independent body that worked with stakeholders to deliver NRM outcomes across the region. It was funded primarily by the Federal and State Governments.
3. Being closely involved with the development of the regional NRM bodies, the concept of Council forming a Natural Resource Management (NRM) Unit was championed by Tony Ferrier, then Director of Community Planning and Development in 2007. At this time Tony reasoned that 'many (if not most) of the traditional responsibilities of Council are essentially all about the management of natural resources – such as controlling development, managing urban wastewater (sewerage and stormwater), providing potable water, managing domestic waste and maintaining roads and recreation reserves. Services are provided to the community, but only in a manner where the potential adverse impacts on the natural environment are controlled.' (Ferrier T, 2007).
4. At this time Council's Bushcare Officer was involved in a range of environmental projects that were delivered across several departments primarily from external funding.
5. A NRM Framework was developed by staff in 2007, articulating the case for a new unit to coordinate environmental programs within Council and to build relationships with the State Government and new regional NRM organisations.
6. At the end of 2007, a new NRM unit had been formed with a new coordinator and two project officers.
7. In 2009 Council adopted a strategic plan which had environmental management as one of the five future directions for Council over the next decade.

DISCUSSION

1. The NRM Unit has now been operating as a core activity of Council for nearly fourteen years. In that time there have been significant changes in the key objectives and role of the unit. The unit has transitioned from a delivery model of environmental work, somewhat directed by State and Federal priorities, to a strategic program focused on managing threatening processes to natural assets.
2. To better reflect the work of the unit it has recently undergone a name change from NRM to Natural Areas and Biodiversity.
3. Natural Resource Management deals with managing the way in which people and natural landscapes interact. It is a very broad term and brings together biodiversity conservation,

- land-use planning, water management and the sustainability of industries such as mining, fisheries and forestry.
4. There are two key reasons for the unit's name change. These are:
 - a. to reflect the core work and priorities of the unit; and
 - b. to create a distinct identity from other NRM organisations.
 5. The unit does perform many aspects of natural resource management. It does deal with managing the way in which people and nature interact, which is at the foundation of NRM, however the delivery of this is focussed (not exclusively) on the land that Council owns and manages. Protecting and restoring Council's bushland, coastal and riparian reserves and preserving tree canopy in parklands and road reserves, is important work for the unit.
 6. Another key focus of the unit is connecting people with nature; with the wildlife, creeks, beaches and landscapes that support us. This engagement is delivered in many forms including building environmental knowledge and skills; providing opportunities for direct action such as weeding, tree planting and litter removal; and encouraging people to spend time in nature in our reserves.
 7. Biodiversity encompasses the variety of life on earth. This has been included in the new unit title as it reflects the unit's work in managing flora and fauna, ecosystems, threatened species and the things that threaten them such as weeds, pests and diseases, land clearing and climate change.
 8. There has been a high degree of confusion from both stakeholders and community about who employs the NRM team members. It is often assumed that the team is employed and funded by the regional NRM body, NRM South, and hosted by Council. This common confusion means that Kingborough Council is not being given credit for its ongoing investment in environmental management nor the acknowledgement for the stewardship role we have in caring for a network of natural area reserves.
 9. It is important that the management of natural assets under Council's care are understood to be the core work of Council and are seen as integrated into the capital and works programs.
 10. The proposal to change the unit name from NRM to Natural Areas and Biodiversity was supported by the management team in May.
 11. The name change has necessitated new position titles for team members. These are:
 - NRM Coordinator to **Natural Areas and Biodiversity Coordinator**
 - NRM Project Officer to **Biodiversity Officer**
 - **Natural Areas Interpretation Officer** (unchanged)
 - **Bushfire Management Officer** (unchanged)
 - **Senior Weed Officer and Weeds Officer** (unchanged).
 12. The name change will progressively be reflected on Council documents and external communication.

Ferrier, T. 2007, A discussion paper on a proposed NRM Framework and direction for the Kingborough municipality. Unpublished.

E GENERAL MANAGER'S DIARY 12 APRIL 2021 TO 21 MAY 2021

12 April	Participated in weekly Metro GM's catchup
	Attended the Hobart City Deal Transport and Housing Project Steering Committee meeting
	Attended Council workshop
13 April	Attended the Greater Hobart General Manager's meeting
14 April	Attended the LG Professionals Board Meeting
15 April	Met with representatives of the JAC Group to discuss development matters
19 April	Participated in weekly Metro GM's catchup
	Attended Council Meeting
20 April	Attended the Greater Hobart General Manager's meeting
21 April	Participated in Public Health Covid Briefing meeting via Teams
22 April	Attended meeting with representatives of Traders In Purple to discuss development matters
26 April	Participated in weekly Metro GM's catchup
	Attended Council workshop
29 April	Attended the LGAT GM's Workshop
3 May	Participated in weekly Metro GM's catchup
	Attended Council meeting
4 May	Attended the Greater Hobart General Manager's meeting
10 May	Participated in weekly Metro GM's catchup
	Attended Council workshop
12 May	Attended Hobart City Deal Smart Cities Working Group meeting
13 May	Attended the International Women's Day Awards
	Attended the Copping Refuse Site Disposal Joint Authority General Meeting
14 May	Attended the Audit Panel meeting
17 May	Participated in weekly Metro GM's catchup
	Attended the Hobart City Deal Implementation Board Meeting
	Attended Council meeting
18 May	Attended the Greater Hobart Mayors Forum
	Attended the Kingston Congestion Working Group meeting
19 May	Attended the LGAT Southern Council Waste Discussion
20 May	Met with Mr Owen Whitton to discuss road and stormwater matters

F CURRENT AND ONGOING MINUTE RESOLUTIONS (OPEN SESSION)

CURRENT	
Resolution Title	Play Space at Spring Farm or Whitewater Park Estates
Meeting Date	19 April 2021
Minute No.	C179/7-2021
Status	In progress
Responsible Officer	Director Governance, Recreation & Property Services
Officers Comments	Planning commenced
Anticipated Date of Completion	July 2022
Resolution Title	Wingara Road Beach Steps, Howden
Meeting Date	3 May 2021
Minute No.	C209/8-2021
Status	Completed
Responsible Officer	Director Governance, Recreation & Property Services
Officers Comments	Licence agreement with the Crown signed.
Anticipated Date of Completion	Completed
Resolution Title	Kingborough Bicycle Advisory Committee
Meeting Date	3 May 2021
Minute No.	C211/8-2021
Status	Ongoing
Responsible Officer	Director Engineering Services
Officers Comments	Letter written to Minister
Anticipated Date of Completion	June 2021
Resolution Title	Cat Prohibited Areas – Council Reserves
Meeting Date	3 May 2021
Minute No.	C212/8-2021
Status	Commenced
Responsible Officer	Manager Environmental Services
Officers Comments	Notification process underway
Anticipated Date of Completion	September 2021
Resolution Title	Kingborough Bicycle Advisory Committee
Meeting Date	3 May 2021
Minute No.	C211/8-2021
Status	Ongoing
Responsible Officer	Manager Development Services
Officers Comments	To form part of larger submission to the Planning Commission
Anticipated Date of Completion	December 2021

Resolution Title	Costs Associated with Code of Conduct Panel Determination
Meeting Date	17 May 2021
Minute No.	C235/9-2021
Status	Completed
Responsible Officer	General Manager
Officers Comments	Resolution submitted to LGAT
Anticipated Date of Completion	Completed

STILL BEING ACTIONED

Resolution Title	Single Use Plastics
Meeting Date	15 March 2021
Minute No.	C127/5-2021
Status	Ongoing
Responsible Officer	Director Engineering Services
Officers Comments	Letter drafted
Anticipated Date of Completion	June 2021

Resolution Title	Declared Greyhound Exercise Area
Meeting Date	15 March 2021
Minute No.	C134/5-2021
Status	Completed
Responsible Officer	Director Governance, Recreation & Property Services
Officers Comments	Report on current Agenda
Anticipated Date of Completion	Complete

Resolution Title	Petition: Development of Walking Track in Spring Farm and Whitewater Park Estates to Connect to Huntingfield
Meeting Date	1 March 2021
Minute No.	C94/4-2021
Status	In progress
Responsible Officer	Director Governance, Recreation & Property Services
Officers Comments	DA lodged
Anticipated Date of Completion	Unknown

Resolution Title	New Complaints Handling Framework
Meeting Date	26 October 2020
Minute No.	C624/20-2020
Status	In Progress
Responsible Officer	Chief Information Officer
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	Director Governance, Recreation & Property Services
Officers Comments	Two properties sold
Anticipated Date of Completion	July 2022
Resolution Title	Petition – Road Safety in Coningham and Lower Snug
Meeting Date	24 August 2020
Minute No.	C489/16-2020
Status	Ongoing
Responsible Officer	Director 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	Director Governance, Recreation & Property Services
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 is taking the lead on this for a collaborative approach across all Councils. They have advised that they would 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, however, there has not been any recent updates for this.
Anticipated Date of Completion	June 2021

Resolution Title	Paid Parking Within Central Kingston
Meeting Date	13 January 2020
Minute No.	C30/1-20
Status	In progress
Responsible Officer	Director Governance, Recreation & Property Services
Officers Comments	This is to be revisited following the completion by the State government of the Huntingfield park and ride.
Anticipated Date of Completion	March 2022
Resolution Title	Bruny Island Boat Club Petition
Meeting Date	9 December 2019
Minute No.	C797/24-19
Status	In progress
Responsible Officer	Director Governance, Recreation & Property Services
Officers Comments	Lease agreement terms under negotiation
Anticipated Date of Completion	Unknown
Resolution Title	Information & Communications Technology Review
Meeting Date	27 May 2019
Minute No.	C364/10-19
Status	In progress
Responsible Officer	Chief Information Officer
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 Taroona Beach
Meeting Date	25 March 2019
Minute No.	C233/6-19
Status	In progress
Responsible Officer	Director Governance, Recreation & Property 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