

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, 16 August 2021 at 5.30pm

Kingborough Councillors 2018 - 2022



Mayor
Councillor Paula Wriedt



Deputy Mayor
Councillor Jo Westwood



Councillor Sue Bastone



Councillor Gideon Cordover



Councillor Flora Fox



Councillor Clare Glade-Wright



Councillor David Grace



Councillor Amanda Midgley



Councillor Christian Street



Councillor Steve Wass

QUALIFIED PERSONS

In accordance with Section 65 of the *Local Government Act 1993*, I confirm that the reports contained in Council Meeting Agenda No. 17 to be held on Monday, 16 August 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, 10 August 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, 16 August 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:

Mayor Councillor P Wriedt
Deputy Mayor Councillor J Westwood
Councillor S Bastone
Councillor G Cordover
Councillor F Fox
Councillor C Glade-Wright
Councillor D Grace
Councillor A Midgley
Councillor C Street
Councillor S Wass

4 APOLOGIES

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the open session of the Council Meeting No.15 held on 2 August 2021, and the Special Council Meeting No.16 held on 11 August 2021 be confirmed as a true record.

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

9 August 2021 - Department of State Growth

7 DECLARATIONS OF INTEREST

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

8 TRANSFER OF AGENDA ITEMS

Are there any items, which the meeting believes, should be transferred from this agenda to the closed agenda or from the closed agenda to the open agenda, in accordance with the procedures allowed under Section 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

10 QUESTIONS ON NOTICE FROM THE PUBLIC

10.1 Risk Management Strategy

Ms Tricia Ramsay on behalf of the **Kingborough Ratepayers Association Inc** submitted the following question on notice:

In the interest of transparency, could the current Risk Management Strategy be uploaded to Council's website in the immediate future? That is, prior to implementation of the new risk management webpage in December.

Officer's Response:

Council and the Audit Panel are holding a risk workshop in September, which will be an opportunity to review all risk documents that are currently in use.

Once any changes have gone through approval processes, they will be loaded onto Council's website.

John Breen, Chief Financial Officer

10.2 Sub-division Costs Borne by Ratepayers

Ms Tricia Ramsay on behalf of the **Kingborough Ratepayers Association Inc** submitted the following question on notice:

Infrastructure associated with subdivisions – roads, footpaths, stormwater, public space etc – are built by developers but subsequently acquired by Council to manage. As soon as Council acquires the assets, they are subject to depreciation: a cost born by ratepayers.

What is the:

- a. *Book value of the initial recognition of infrastructure assets associated with Spring Farm and Whitewater Park subdivisions approved under the Final Plans to come into Council ownership?*

- b. *Book value of the initial recognition of infrastructure assets associated with the Spring Farm Link Road completed at cost to Council?*
- c. *Anticipated progressive annual rates revenue vs the annual depreciation costs associated with both subdivisions?*
- d. *Time-frame for rates revenue to offset costs of depreciation of the assets of both subdivisions?*
- e. *Anticipated cost of the proposed new playground at either the Spring Farm or Whitewater Park Estates?*

Officer's Response:

Kingborough is experiencing significant growth with new subdivisions bringing several hundred new allotments to the municipality. These developments bring exciting opportunities for the area that, long-term, will increase Council's rates revenue.

The requested information on rates revenue and depreciation for Spring Farm and Whitewater Park subdivisions is not readily available and will take Council officers considerable time to extract and filter the data to provide the requested information.

However, past studies have indicated that it takes a Council around four to eight years to break even on a subdivision depending on the size of the development, the amount of maintenance required and the success in selling the land and how quickly new buildings are erected.

The Local Government sector appreciates that development, subdivision and land use intensification incrementally add pressure on the infrastructure it relies upon, from roads and water supply, to stormwater networks and water quality, as well as community facilities, parks and public open space. To keep pace with development, infrastructure management authorities such as councils must not only plan their infrastructure ahead of time but also find the finances to resource its delivery.

Tasmania is the only State jurisdiction that does not have some form of state-legislated infrastructure contributions system and many are still reviewing and improving them.

The Local Government Association of Tasmania (LGAT) has stated "Infrastructure contributions schemes allow infrastructure managers to levy the infrastructure costs of development at the time and place of infrastructure demand, rather than facing pressure to raise rates and slowly recoup these costs over the long term. Indeed, many jurisdictions continue to review and improve their contributions schemes and legislation, there are no known attempts or movements to roll back infrastructure contributions regimes due to their ability to mobilise infrastructure that supports development and growth. However, Tasmania lacks a comprehensive and consistent infrastructure contributions policy". Because of this, LGAT has sought the views of member councils, and Taswater, on infrastructure contributions in a survey undertaken in early 2021, with a view to informing a sector position and advocacy on a state-wide infrastructure contributions regime in 2021-22.

Kingborough Council works to ensure intergenerational equity through its long-term financial planning, rating and borrowing policies

Intergenerational equity in a local government context is often considered in the context of whether payment for the cost of services is recovered over time broadly in accordance with the benefits enjoyed by service recipients.

Dr Katrena Stephenson, Director Environment, Development, Community

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

12 QUESTIONS ON NOTICE FROM COUNCILLORS

12.1 Amendments to Regulations to Allow E-Scooters, E-Skateboards etc on Footpaths

Cr Glade-Wright submitted the following question on notice:

A newspaper article reported recently that the Tasmanian Government has identified amendments to regulations to allow for E-Scooters, E-Skateboards and Hoverboards to be used on footpaths, and will work with local government on their formalisation and adoption. I have received some emails expressing concerns about whether this is safe or not. What can we do to ease the concerns of our residents about this?

Officer's Response:

The State Government is currently considering amending the road rules as relates to personal mobility devices (PMD's) using guidance from the National Transport Commission (NTC). The State Government have committed to continue to work with local government as to the applicability to each jurisdiction taking into account factors as the maximum allowable speed of PMD's on footpaths and areas where use of a PMD on a footpath may not be appropriate. Safety of all users of a footpath space will be an important consideration.

David Reeve, Director Engineering Services

12.2 Security Cameras at the Hub

Cr Glade-Wright submitted the following question on notice:

Are the security cameras that were recently installed at The Hub in operation? And what is the protocol around accessing footage?

Officer's Response:

12 new CCTV security cameras have recently been installed in the playground at Kingston Park. These feed directly to the Kingston Police station, where the surveillance network video recorder is located. An additional six cameras will be installed in Pardalote Parade as part of the construction of this infrastructure that is currently underway.

Daniel Smee, Director Governance, Recreation & Property Services

12.3 Offshore Salmon Farm Noise Pollution

At the Council meeting on 2 August 2021, **Cr Cordover** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

- 1. Is the Council undertaking regular noise pollution assessments at Gun Powder Jetty in Tinderbox in response to noise emissions from salmon farming operations and, more broadly, do we undertake regular noise pollution assessments at other locations where salmon farm operations can be heard from residential areas.*

2. *Has the Council received noise complaints from residents of North West Bay about salmon farming operations at Gun Powder Jetty and elsewhere?*
3. *What is the total number of complaints that Council has received about offshore salmon farming in the last several years, for as many years as data is available? And finally, does the Council have any visibility over the number of complaints being made from Kingborough residents to the Department of Primary Industries Parks Water and Environment Marine Farming branch or Marine and Safety Tasmania, and the thrust of that question is essentially, I believe there are probably complaints that, rather than going to the Council, they are going straight to MAST or DPIPWE. I'm interested to know whether Council has visibility over those complaints?*

Officer's Response:

1. Council staff are not undertaking noise monitoring at or adjacent to any salmon farming operational sites. Environmental regulation and complaint response for such sites is under the jurisdiction of the Environment Protection Authority (EPA).
2. Complaints were received about noise from operations at the Gun Powder jetty approximately 3 years ago and these were passed on to the EPA for follow up and response.
3. Council's Environmental Health staff indicate that approximately 5 complaints have been received in the past 5 years and these have been referred to the EPA for follow up and response. Council does not receive information about complaints received by other authorities.

Jon Doole, Manager Environmental Services

12.4 Compostable Nappies in FOGO Bins

At the Council meeting on 2 August 2021, **Cr Glade-Wright** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

Will compostable nappies be allowed in FOGO bins when that is implemented in October?

Officer's Response:

Compostable products are allowed in a FOGO bin, however, it is important that the product is certified as compostable and adherence to this will be monitored over time, as it is noted that other councils have had issues with contaminated FOGO loads due to the disposal of non-compostable nappies.

David Reeve, Director Engineering Services

12.5 Art Programs

Cr Midgley submitted the following question on notice:

- 1 *What ideas do staff have for public art and community art projects at the Kingborough Hub?*
- 2 *Can we please have more information about the KiN art trail.*
- 3 *What is the process for expressions of interest or involvement in public art programs across Kingborough?*

Officer's Response:

- 1 As a relatively new, architecturally designed building, the main arts focus for the Hub has been use of the spaces which had been delayed in 2020 due to COVID 19 impacts.

For example, in recent months there has been the Youth Arts Showcase and the Overwintering Art Exhibition. We are increasingly getting bookings from Arts Groups, for example the Kingborough Art Prize Exhibition will be in the Hub this year, as will the Handweavers Spinners and Dyers Guild of Tasmania Inc. Travellers Cloaks Exhibition. We have offered opportunities for musicians at the Hub through our Kingston Park opening events and the Youth Arts Showcase and recently a new hirer, Arts Screen Tasmania has commenced monthly films of International Music and Dance Productions. The Arts Officer has commenced a program of Art Works around the handball wall in the Youth space within Kingston Park and our Youth Officer and Arts Officer have worked with other parts of Council on the Stormwater to Sea Stencil Art Project. Moving forward, and with a good sense of the use of the Hub, we will examine how Art might be used to enhance the Hub, in keeping with its design and intent. The next Arts project to be delivered by Council is the Biennial Salvaged Arts Exhibition (September/October 2021). We are also working with St Aloysius regarding the showcase of their end of year art at the Hub and engaging with The Colour Circle on their annual art exhibition to be held in the Auditorium in November. In addition to visual arts, we will also be implementing a summer Friday night music program at the Hub and are planning for a COVID safe Live Loving Locally Event in March 2022 amongst other things.

- 2 We are nearing completion of the first KiN Art Trail brochure/map. This project is being rolled out in two phases. The first will concentrate on promoting freely available public arts and heritage throughout the municipality through a brochure and online map. Later this financial year we will be running an EOI for commercial arts and artisan producers to be featured on a complementary trail document.
- 3 The process will vary depending on the scale of the program, in line with our Code of Tendering. It is worth noting however, that Council also keeps an Arts Register and this is promoted through our website. The Kingborough Inspiration Network provides local artists, creative industry professionals and local businesses with an interest in the arts sector with opportunities to share and promote events and services – and to connect with each other. To register email artsinfo@kingborough.tas.gov.au

Dr Katrena Stephenson, Director Environment, Development & Community

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

13 OFFICERS REPORTS TO PLANNING AUTHORITY

13.1 DEVELOPMENT APPLICATION FOR 36 MULTIPLE DWELLINGS AT 37-59 MARANOA ROAD AND ACCESS OVER 99 CHANNEL HIGHWAY, KINGSTON

File Number: DA-2021-47

Author: Timothy Donovan, Senior Planning Officer

Authoriser: Tasha Tyler-Moore, Manager Development Services

Applicant:	Revelstoke Building Solutions Pty Ltd
Owner:	Strata Corporation Number 126707; Chrysanthé Gristwood and Zacharia Investments Pty Ltd.
Subject Site:	37-59 Maranoa Road and 99 Channel Highway, Kingston
Proposal:	36 multiple dwellings and access over 99 Channel Highway, Kingston
Planning Scheme:	Kingborough Interim Planning Scheme 2015
Zoning:	11.0 Inner Residential
Codes:	E4.0 Landslide E5.0 Road and Railway Assets E6.0 Parking and Access E7.0 Stormwater Management E10.0 Biodiversity
Use Class/Category:	Residential/Multiple Dwellings
Discretions	Inner Residential Zone: Cl.11.4.2 A3 Setbacks and building envelope Cl.11.4.3 A1 Site coverage and private open space (open space and permeability) Cl.11.4.3 A3 Site coverage and private open space (private open space) Landslide Code: Cl.E3.7.1 Buildings and works, other than minor extensions Cl.E3.7.3 Major Works
Public Notification:	Public advertising was undertaken between 10 July 2021 and 23 July 2021 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i> .
Representations:	Seven (7) representations were received against the proposal. The submitters raised the following grounds: <ul style="list-style-type: none"> • Traffic issues including delays and safety issues • Pedestrians and cyclists issues • Impact on adjacent property and units
Recommendation:	Approval with Conditions

1. PROPOSAL

1.1 Description of Proposal

The proposal is for the development of 36 multiple dwellings on the approved lot (DAS-2020-16). The site has been separated into two areas, Zone 1 and Zone 2, for the purposes of the application and design. The proposal includes:

Zone 1:

- Block A – A row of 12 x multiple dwellings with 2 bedrooms plus a study arranged as 6 groups of 2x conjoined dwellings on the top (north) side of the internal driveway.
- Block B – A row of 9 x detached multiple dwellings on the bottom (south) side of the internal driveway.

Zone 2

- Block C – A row of 7 x 1 bedroom and 7 x 2 bedroom apartments in a two storey block adjacent to the entry driveway (Kingston Town Drive) to the Kingston Town Shopping Centre.

The plans submitted with the application indicate the construction is to be in 5 Stages as follows:

- Stage 1 – Block A Units 1, 2, 3 and 4; Block B Units 13 and 14.
- Stage 2 – Block A Units 5 and 6; Block B Units 15 and 16.
- Stage 3 – Block A Units 7, 8, 9 and 10; Block B Units 17 and 18.
- Stage 4 – Block A Units 11 and 12; Block B Units 19, 20 and 21.
- Stage 5 – Block C Units 1-14.

The multiple dwellings have access to the internal Kingston Town Drive and will include a central driveway running below Block C and along the contour between Blocks A and B. A separate one way loop is also proposed around the Block C apartments.



Figure 1 – Aerial photo with proposed multiple dwellings superimposed.

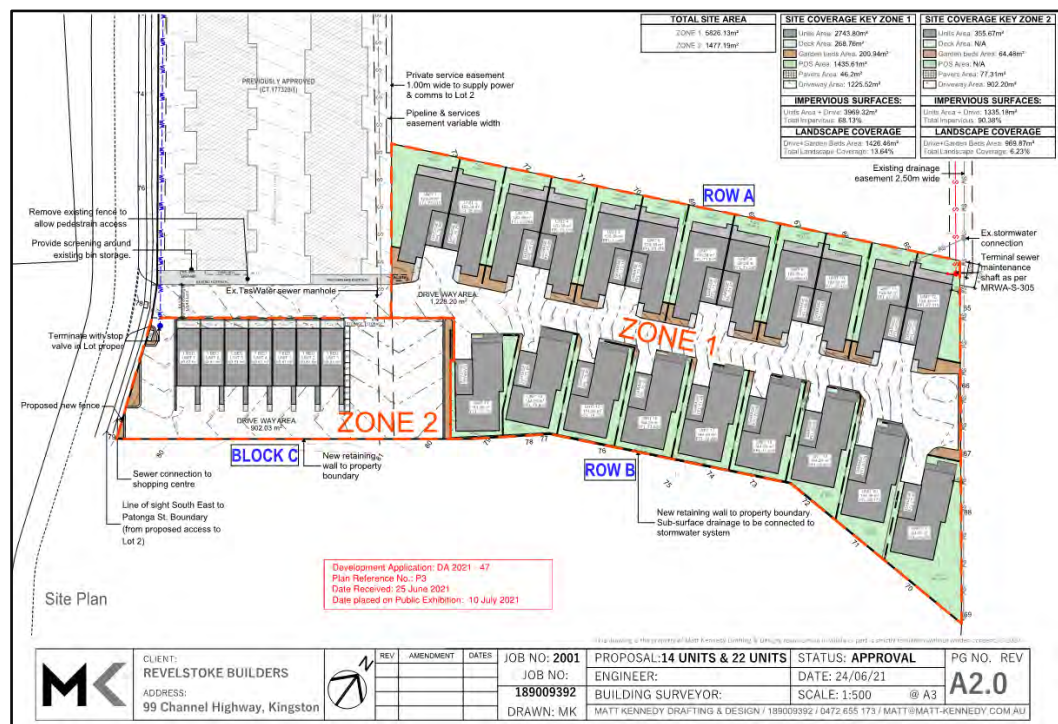


Figure 2 - Site Plan

The proposal includes the following features:

- Block A dwellings include a garage car parking space with a jockey parking space in front and a deck area of 16m² with a ground level garden area of 56m².
- Block B dwellings are 3 bedrooms, with a single garage car parking space, a deck of 11m² and a ground garden of 24m².
- Block C units have a single car parking space for the ground level apartments and 12m² decks for the lower and upper level apartments.

Three (3) high conservation value trees were approved for removal under Subdivision Permit DAS-2020-16. There are no high conservation value trees that require removal as part of this application.

1.2 Description of Site.

The site is currently identified as 35-59 Maranoa Road, Kingston being a part of Kingston Town Shopping Centre land under Strata Scheme 126707 on CT 126707/0. While a part of the common property, the area of the proposed development is subject to subdivision permit DAS-2020-16 issued on 27 October 2020. This will create Lot 2 of 7606m².

The subject land is located downhill and to the north of the Kingston Town Shopping Centre and above the recently constructed 18 Multiple dwellings at 99 Channel Highway (DA-2018-570) fronting the Channel Highway.

The surrounding area is predominantly inner residential lots with a mix of older single dwellings and a number of relatively new multiple dwellings on land. The land to the south is zoned General Business and contains the Kingston Town Shopping Centre and car park. The land to the east is Community Purposes and contains the Calvin School campus.

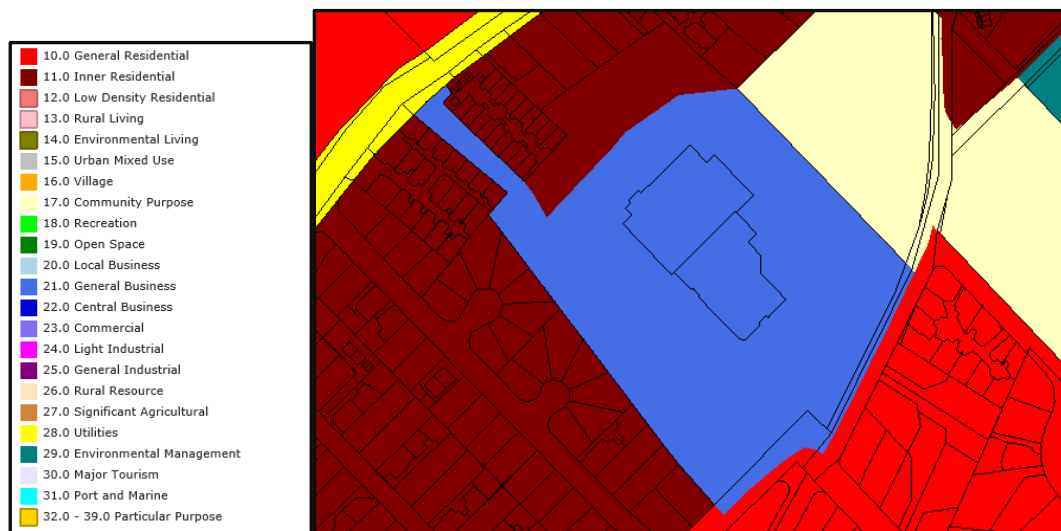


Figure 3 – Zoning of subject site and adjacent area.

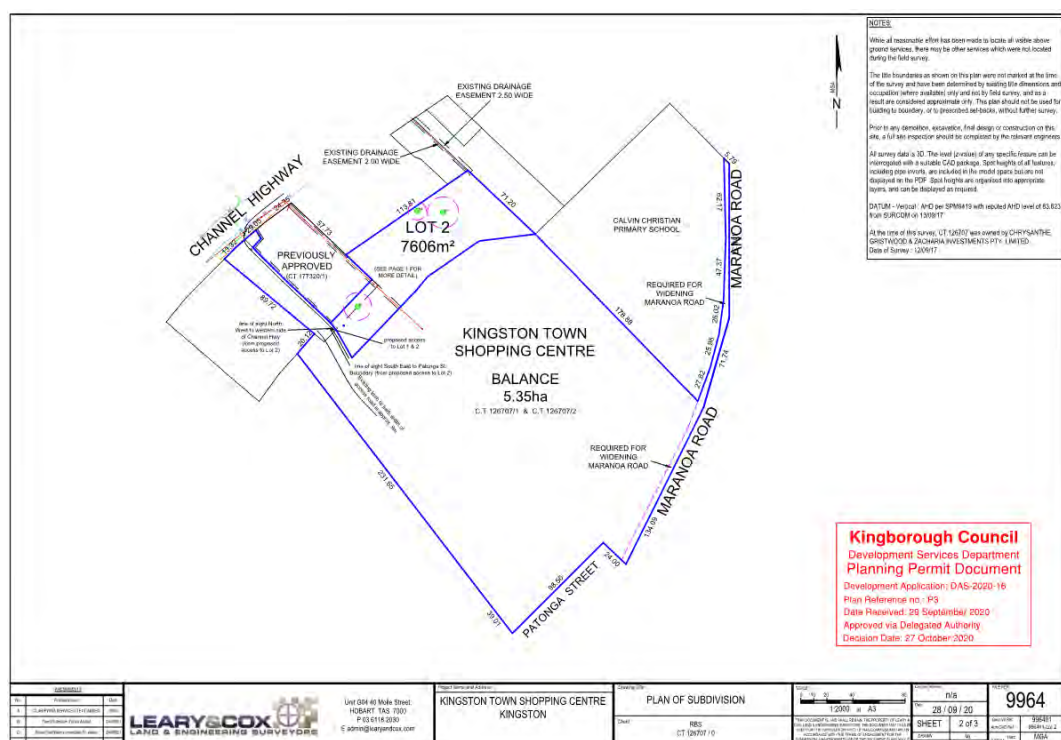


Figure 4 – Approved subdivision plan

2. ASSESSMENT

2.1 State Policies and Act Objectives

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

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

2.2 Strategic Planning

The relevant strategies associated with the Scheme are as follows:

Zone Purpose Statements of the Zone

The zone purpose statements of Inner Residential Zone are to:

- Cl.11.1.1 To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.*
- Cl.11.1.2 To provide for compatible non-residential uses that primarily serve the local community.*
- Cl.11.1.3 To encourage residential development at higher densities in locations within walkable distance of services, facilities, employment and high frequency public transport corridors.*
- Cl.11.1.4 To encourage residential development at higher densities in locations that offer good access to services and employment including activity centres and public open spaces.*

Clause .1.2 – Local Area Objectives

Local Area Objectives	Implementation Strategy
KINGSTON	
(a) Land will be utilised for residential purposes to the maximum extent and in a manner that optimises high quality design and amenity outcomes.	(a) Infill opportunities will be taken up with larger lots being developed at higher residential densities.

Clause .1.3 – Desired Future Character Statements

Desired Future Character Statements	Implementation Strategy
KINGSTON	
(a) Increased inner urban residential living opportunities will be provided that enable residents to have improved access to local services and public facilities.	(a) Further subdivision and/or strata development will be encouraged within this zone in a manner that encourages high quality design outcomes in both the private and public realms.

The proposal is consistent with zone purpose statements, local area objectives and desired future character statements as it will add to the variety of residential uses and dwelling types close to services and facilities in Kingston. The proposal will deliver residential development at higher densities in a location that is within walkable distance of services, facilities, employment and high frequency public transport corridors. The site is to be used for residential purposes to the maximum extent.

2.3 Use Class

The use class is categorised as Residential under the Scheme. In the Inner Residential Zone multiple dwellings are classified as a Permitted use. However, the proposal does not meet all the Development Standards and is therefore Discretionary.

The application requires assessment for compliance against the Acceptable Solutions and Performance Criteria.

2.4 Use and Development Standards

Inner Residential Zone

Clause 11.4.2 A3 Setbacks and building envelope

Acceptable Solution 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:

- (a) be contained within a building envelope (refer to diagrams 11.4.2A, 11.4.2B, 11.4.2C and 11.4.2D) determined by:
 - (i) a distance equal to the permitted frontage setback or, for an internal lot, a distance of 3m from the rear boundary of a lot with an adjoining frontage; and
 - (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 3m from the rear boundary; to a building height of not more than 9.5 m above natural ground level; and
- (b) only have a setback within 1.5 m of a side boundary if the dwelling:
 - (i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or
 - (ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).

Performance Criteria P3

The siting and scale of a dwelling must:

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

Proposal

Unit 12 in Block A and Unit 21 in Block B would not comply when the new boundaries for Lot 2 are created relative to the south east boundary with the shopping centre land. They have been assessed under Performance Criteria P3.

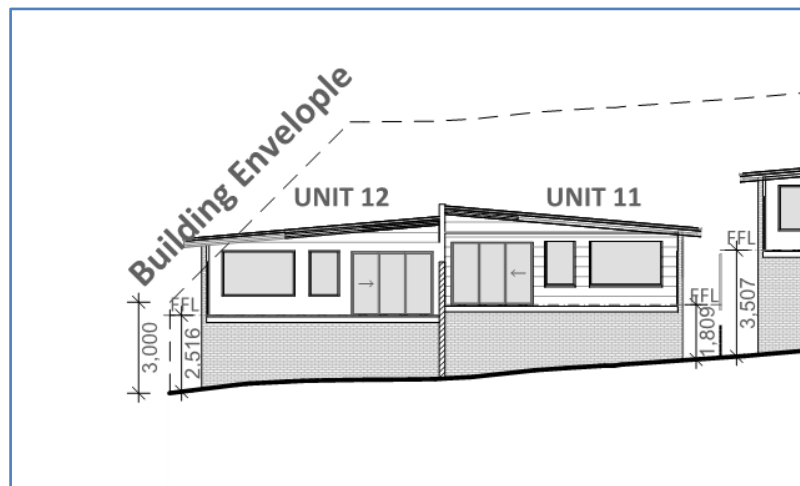


Figure 5 – Unit 12 with the building envelope shown.

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

- The siting of the dwellings to the south of adjoining residential properties will avoid any overshadowing to habitable rooms or Private Open Space areas for these properties.
- The single storey aspect, due to the excavation of the site, of the units in Block A and B relative to the residential neighbours at 85A Channel Highway mitigates any adverse visual impacts caused by apparent scale, bulk or proportions.
- The north east Units 12 and 21 are orientated away from the boundary and present a siting and separation compatible with the surrounding residential area.
- The setback of the single storey dwellings in Block B to the shopping centre boundary relates to the open and less publicly accessible areas of the shopping centre site and will not result in an unreasonable loss of amenity to that property.

Inner Residential Zone

Clause 11.4.3 - Site coverage and private open space

Acceptable Solution A1

Dwellings must have:

- a site coverage of not more than 50% (excluding eaves up to 0.6m); and
- for multiple dwellings, a total area of private open space of not less than 50m² 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
- a site area of which at least 25% of the site area is free from impervious surfaces.

Performance Criteria P1

Dwellings must have:

- private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate:
 - outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any communal open space provided for this purpose within the development; and

- (ii) operational needs, such as clothes drying and storage; unless the projected requirements of the occupants are considered to be satisfied by public open space in close proximity; and
- (b) reasonable space for the planting of gardens and landscaping.

Proposal

A1(b) – Not Complying – The proposal does not include 50m² of POS per dwelling. In this regard 10 of the units in Block A and the 14 Units in Block C do not provide the required open space. The 10 Units in Block A provide open space areas of 48.5m². The balance of the units in Blocks A and B provide open space areas from 72m² up to 202m².

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

- The medium density multiple dwellings include a range of 1, 2 and 3 bedroom dwellings with a range of private open spaces to meet the needs of the residents. These include landscaped gardens and decks that all have a north westerly aspect.
- The larger dwellings in Blocks A and B will accommodate landscaped gardens and clothes lines attached to the side walls. The dwellings in Block C will have a fold out clothes line or rack provided on the deck area.
- The 10 Units in Block A provide open space areas of 48.5m² and these all have a northerly aspect and are directly accessible.
- The site is centrally located in Kingston and there is a range of open space opportunities in close proximity.
- It is considered that the designated private open space in association with the communal space is able to accommodate the projected requirements of the occupants.

Inner Residential Zone

Clause 11.4.3. Site coverage and private open space

Acceptable Solution A2

A dwelling must have an area of private open space that:

- (a) is in one location and is at least:
 - (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:
 - (i) 3 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

A dwelling must have private open space that:

- (a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play that is:
 - (i) conveniently located in relation to a living area of the dwelling; and
 - (ii) orientated to take advantage of sunlight;

unless the projected requirements of the occupants are considered to be satisfied by communal open space or public open space in close proximity.

Proposal

The proposal does not comply in relation to the ground floor units in Block C. While they have their private open space provided as decks of 12m², they do not have a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer).

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

- The decks for the ground floor dwellings in Block C have an area of 12.22m² and are directly accessible from the living room and have a minimum dimension of 2.69m that is able to accommodate table and chairs for outdoor dining and relaxation. Note is made that the ground floor units are a single bedroom and occupancy numbers will be low.
- The decks face north-west and will receive good solar access.
- The private open space areas are able to serve as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play in the same manner as the upper level dwellings in Block C.

Landslide Code

Clause E3.7.1 Buildings and works, other than minor extensions

Acceptable Solution A1

No acceptable solution.

Performance Criteria P1

Buildings and works must satisfy all of the following:

- (a) no part of the buildings and works is in a High Landslide Hazard Area;
- (b) the landslide risk associated with the buildings and works is either:
 - (i) acceptable risk; or
 - (ii) capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk.

Proposal

No acceptable solution (requires assessment against performance criteria).

The proposed variations 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, David Lee, Jan 2021) and this assessment confirms the proposed development complies with P1 as follows:
 - no part of the development is within a high landslide hazard area; and
 - the risk is acceptable with no treatment necessary, however founding buildings within the underlying weathered bedrock is strongly recommended.

Landslide Code

Clause E3.7.3 Major Works

Acceptable Solution A1
No acceptable solution.
Performance Criteria P1
Major works must satisfy all of the following: (a) no part of the works is in a High Landslide Hazard Area; (b) the landslide risk associated with the works is either: (i) acceptable risk; or (ii) capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk.
Proposal
No acceptable solution (requires assessment against 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, David Lee, Jan 2021) and this assessment confirms the proposed development complies with P1 as follows:
 - no part of the development is within a high landslide hazard area; and
 - the risk is acceptable with no treatment necessary, however founding buildings within the underlying weathered bedrock is strongly recommended.

2.5 Public Consultation and Representations

The proposal was advertised in accordance with statutory requirements and seven (7) representations were received against the proposal. The following issues were raised by the representors:

1. Issue – Delays on Channel Highway

Several representations were received with regards to unacceptable increases in traffic and delays on the Channel Highway intersection.

Response

The results of the Traffic Impact Assessment submitted with the application indicates that the additional traffic will not create any adverse operational issues on the road network. The proposal complies with the Road and Railway Assets Code and the Parking and Access Code.

2. *Issue – Density of Multiple Dwellings*

There are too many high-density unit developments in Kingston, and this will create problems for traffic and infrastructure.

Response

The proposal has a density per unit of 211m² and complies with cl.11.4.1 Acceptable Solution A1 that requires a density of a minimum of 200m² and a maximum of 400m² per dwelling.

3. *Issue – Tree Clearing*

The site contains significant trees and vegetation, and these should be retained. Concerns were raised regarding the impact of removing the remnant bushland, including high conservation value trees and individual Eucalyptus trees from the site and the lack of provision of greenspace as part of the development design.

The remnant bushland is currently used by the inhabitants of the existing units at 99 Channel Highway and the broader community as a recreational area. It is also valued at a landscape scale as a 'juxtaposition to the built-up area surrounding it.' It was requested that the development (and developments in general) reserve land for green space to improve social and environmental amenity, in particular to mitigate against the impacts of climate change, provide a recreational zone and for the use by children as an outdoor play space.

Response

The Tree Report, prepared by TreeCentric Tree Solutions in Oct 2017 to address requirements for DAS-2020-16, confirms the development site is dominated by exotics (*Pinus radiata*). There were three (3) high conservation value trees within the area proposed for development. The planning permit issued under DAS-2020-16 approved the removal of these and other Eucalyptus trees on the site. The proposal therefore meets the acceptable solution under the provisions of the zone requirements, Clause 11.4.2, as no high conservation value trees are impacted by the proposal. As the proposal does not impact high conservation value trees or a vegetation community subject to the Biodiversity Code, the Biodiversity Code is not triggered. There are no requirements under Clause 11.4.2 or the Biodiversity Code to provide for greenspace, recreation zones or to mitigate against the impacts of climate change.

4. *Issue – Car Parking and Access*

There is not enough car parking and there will be safety concerns on site with emergency and service vehicles. One submission has also provided a detailed risk assessment on the issues with traffic and parking.

There is inadequate off-street parking in the area.

Response

The application complies to the Parking and Access Code in relation to the number of car parking spaces for the Units (resident plus visitor). The Council does not have the authority to require further car parking or higher standards. Section 7.2 Compliance with the Planning Scheme, of the Kingborough Interim Planning Scheme 2015 states that a use or development must comply with each applicable standard in a zone, specific area plan or code. To require more car parking and higher standards than required in the Code would not pass the 'reasonable and relevant' test required for a condition of approval.

The proposal complies in relation to on-site parking and off-street parking is not a Standard contained in the Planning Scheme.

5. *Issue – Noise Concerns*

The multiple dwellings and their associated activities including traffic will generate adverse noise impacts on adjacent properties. There will also be construction noise.

Response

The consideration of noise from residential use in the Inner Residential Zone is not a Development Standard in the Planning Scheme unless there are Attenuation Code issues arising e.g. due to proximity of noise generating industry or uses with potential to cause environmental harm. This is not the case here.

6. *Issue – Stormwater Issues*

Concerns are raised in relation to the site coverage and increased flooding and impact on adjacent property due to the development on the site.

Response

The application has been assessed under the Stormwater Code and meets the relevant Standards and Performance Criteria. This is addressed in the body of the report.

7. *Issue – Privacy Issues*

Concerns are raised in relation to the impact on privacy for the units at 99 Channel Highway.

Response

The application complies to the Development Standards and Performance Criteria for setbacks and privacy in relation to the adjoining property at 99 Channel Highway.

8. *Issue – Increased risk to children playing on the property where it joins 99 Channel Highway and also risk to school children using the site.*

Concerns are raised in relation to the children who reside on 99 Channel Highway and play in the communal areas. School children also use the site for access to the shopping centre for buses and the schools on Maranoa Road.

Response

The internal roadways and parking areas have been assessed against the Parking and Access Codes. The standards within the Code allow for pedestrian safety to be considered. The application complies to the Code. There is no car access provided through and past the units in 99 Channel Highway. The access from the subject site to Kingston Town Drive is via an easement across the top of No. 99.

The issue of children playing in common areas is noted however it is difficult to apply conditions or restrict development on the subject site in response to this matter. The issue of where and how children play is a matter for the individual families to consider.

The subject site is private land and not a public footpath or road reserve. The public including school children are not entitled to walk through the site. Once the site is subdivided and the development constructed then public pedestrian traffic should stop and if not, is a matter for the owners and residents to address.

9. *Issue – Impact on adjacent property values*

Response

The issue of property values is not a relevant consideration under the Development Standards of the Planning Scheme.

3. CONCLUSION

- 3.1 The proposed multiple dwellings comply to the Acceptable Solutions and Performance Criteria for the Inner Residential Zone and the relevant Codes in the *Kingborough Interim Planning Scheme 2015*. It is recommended for approval with conditions.

4. RECOMMENDATION

That the Planning Authority resolves that the development application for 36 multiple dwellings at 37-59 Maranoa Road, and access over 99 Channel Highway, Kingston for Revelstoke Building Solutions Pty Ltd 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-2021-47 and Council Plan Reference No. P4 submitted on 5 August 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 development is to occur in 5 Stages in accordance with the endorsed plans:
 - (a) Stage 1 – Block A Units 1, 2, 3 and 4; Block B Units 13 and 14.
 - (b) Stage 2 – Block A Units 5 and 6; Block B Units 15 and 16.
 - (c) Stage 3 – Block A Units 7, 8, 9 and 10; Block B Units 17 and 18.
 - (d) Stage 4 – Block A Units 11 and 12; Block B Units 19, 20 and 21.
 - (e) Stage 5 – Block C Units 1-14.

Any changes to the staging will require the written approval of the Manager Development Services.

3. Before the approved development commences, landscaping plans must be submitted for approval by Council's Manager Development Services.

The landscape plan must be prepared by a suitably qualified person and be at a suitable scale, and indicate the following:

- (a) outline of the proposed buildings;
- (b) proposed planting by quantity, genus, species, common name, expected mature height and plant size;
- (c) existing trees to be retained and proposed measures to be carried out for their preparation and protection during construction;
- (d) earth shaping proposals, including retaining wall(s);
- (e) fencing, paths and paving (indicating materials and surface finish); and
- (f) the proposed maintenance program.

It is recommended that the consideration be given to Council's Landscape Guidelines (Preparing a Landscape Plan), which is available on Council's website.

Once endorsed the Landscaping Plan will form part of the permit.

4. 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. Plans must be to satisfaction of the Director Engineering Services and comply with:

- (i) Tasmanian Standard Drawings
- (ii) Austroads Standards and Australian Standards
- (iii) Australian Rainfall and Runoff Guidelines

The Plans must include, but are not limited to:

- (i) Detailed internal vehicular and pedestrian access, carparking and manoeuvring areas including:
 - (a) Longitudinal and cross sections of the driveway/access road
 - (b) Contours, finish levels and gradients of the driveway/access road
 - (c) Provision of vehicle access (crossovers) with notation to be constructed in standard grey concrete with a broomed non-slip finish
 - (d) Provision of passing bays
 - (e) Pavement construction
 - (f) Signage for visitor spaces or residential/commercial spaces if allocated
 - (g) No parking/keep clear signage for turning bay areas

- (h) Wheel stops for open parking bays (as appropriate)
- (i) Bollard lighting for parking and vehicle circulation roadways and pedestrian paths
- (j) Surface treatment and stormwater drainage
- (ii) Design (including supporting documentation and hydraulic calculations) of the proposed stormwater infrastructure including:
 - (i) Layout details.
 - (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. The stormwater discharge rate must be restricted to the pre-development runoff rate.
 - (iii) A reticulated stormwater system sized to accommodate at least the estimated 5% AEP (Annual Exceedance Probability) flow.
 - (iv) Overland flow paths sized to accommodate the estimated 1% AEP (Annual Exceedance Probability) flow.
 - (v) A new stormwater connection and cut-off drain to direct overland flow from the Kingston Town site into the Council stormwater main within the adjacent lot 85 Channel Highway.

Once endorsed the plans will form part of the permit.

5. 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.
6. 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 and include the following:
 - (a) 'No Parking'/'Keep Clear' signage must be installed for the turning bay;
 - (b) visitor carparking signs must be installed for the visitor carparking spaces;
 - (c) signage noting residential parking for each Unit must be installed for carparking spaces;
 - (d) wheel stops installed for parking bays;
 - (e) parking and vehicle circulation roadways and pedestrian paths must be provided with bollard lighting;
 - (f) on-site stormwater quality treatment and detention systems must be installed;
 - (g) stormwater discharge from all new impervious areas must be disposed of by gravity to Council's stormwater infrastructure.

7. 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.
8. Prior to occupation of the new dwellings, landscaping in accordance with the endorsed plans must be provided to the satisfaction of the Council's Manager Development Services.

The landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose.
9. Prior to the occupation of Units 12 and 21, the permanently fixed screen(s) on the decks adjacent to the side east boundary, and the solid 'fin' wall located between each dwelling in the Row/Block A, as shown on the endorsed plans must be installed to the satisfaction of the Manager Development Services. The screens must have a minimum height of at least 1.7 m above the finished floor level of the deck with a uniform transparency of no more than 25% and must be maintained for the life of the development.
10. Prior to the occupation of any of the new dwellings the following works must be completed in accordance with the endorsed plans to the satisfaction of the Council:
 - (a) The parking areas (including signage and access);
 - (b) The garden and landscape areas;
 - (c) Drainage works undertaken and completed;
 - (d) Letterboxes installed.
11. At least nine (9) visitor parking spaces must be provided for the proposed development. This visitor parking space must be appropriately signposted and kept available for visitor parking at all times. Any future application for strata title in respect of the property must ensure that the visitor parking space is included within the common property on the strata plan and be accessible through the common property from all units.
12. The applicant must make provision for a private waste service agreement to enable the development to be serviced with waste and recycling collection. This agreement is to ensure these services are provided on site adjacent to the proposed garbage bay facility as indicated on the submitted plans. Council waste services will not be provided to service the development.
13. 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 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.

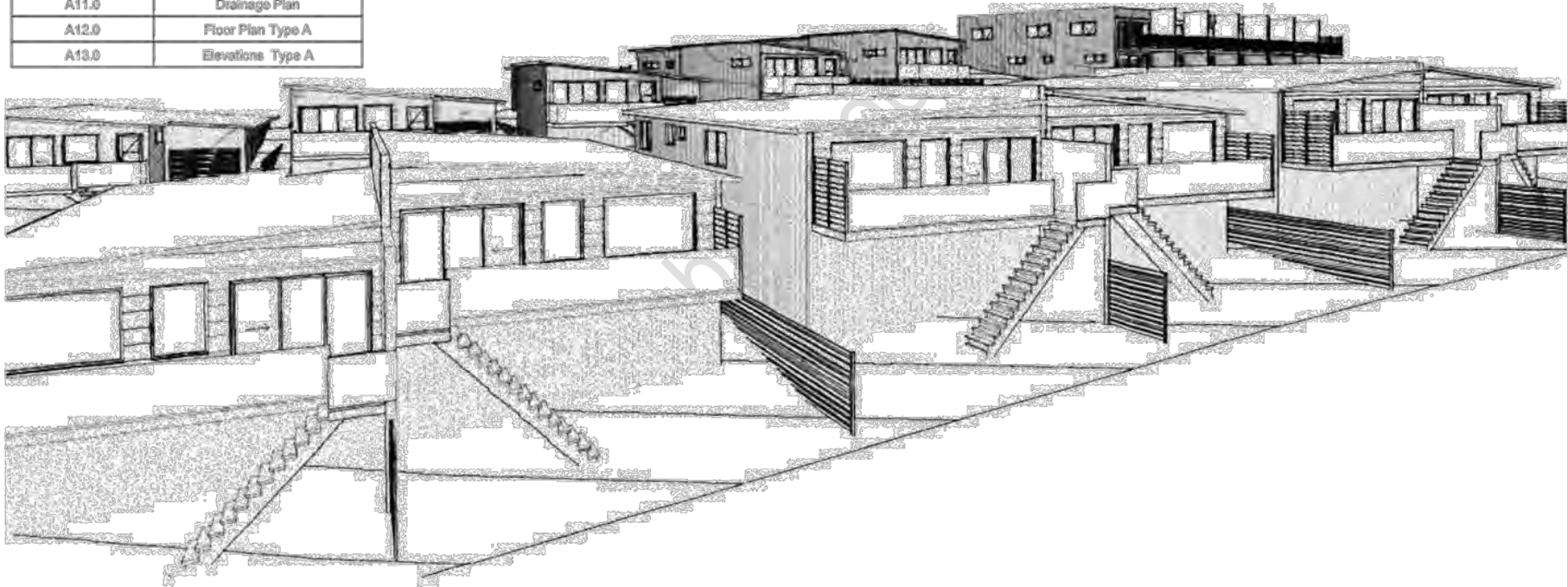
If your development involves demolition, new buildings or alterations to buildings (including plumbing works or onsite wastewater treatment) it is likely that you will be required to get approvals under the *Building Act 2016*. Change of use, including visitor accommodation, may also require approval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

- C. An application for Notifiable Plumbing Work must be lodged with Council before commencing any work.
- D. 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. **Application Plans**
- 2. **Assessment Checklist**
- 3. **TasWater Submission to Planning Authority Notice**

DRAWING NO:	DESCRIPTION	DRAWING NO:	DESCRIPTION
A1.0	Location Plan	A14.0	Row A Elevations 1&2
A2.0	Site Plan	A15.0	Row A Elevations 3&4
A3.0	Stage Plan-Stage 1	A16.0	Floor Plan Type B
A4.0	Stage Plan-Stage 2	A17.0	Elevations Type B
A5.0	Stage Plan-Stage 3	A18.0	Row B Elevations 1&2
A6.0	Stage Plan-Stage 4	A19.0	Row B Elevations 3&4
A7.0	Stage Plan-Stage 5	A20.0	Floor Plan Type C
A8.0	Traffic Plan	A21.0	Floor Plan Type D
A9.0	Driveway Sections	A22.0	Elevations Type C & D
A10.0	Landscaping Plan	A23.0	Block C Elevations
A11.0	Drainage Plan		
A12.0	Floor Plan Type A		
A13.0	Elevations Type A		



101 CHANNEL HIGHWAY, KINGSTON

SITE INFORMATION

Title Reference: 177320/1
 Property ID: 9024682
 Wind Classification: TBC
 Soil Classification: TBC
 Climate Zone:
 BAL Level: "TBC"
 Alpine Area:
 Corrosion Environment:
 Other Hazards:

Type A (Unit 1-12)

Floor Plan Area: 120.38m²
 Deck: 16.24m²
 Car Space: 2

Type B (Unit 13-22)

Floor Plan Area: 140.72m²
 Deck: 8.87m²
 Car Space: 2

Type C (Unit 1-7) - 1 Bed Unit

Floor Plan Area: 50.19m²
 P.O.S: 12.22m²
 Car Space: 1



Type D (Unit 8-14) - 2 Bed Unit

Floor Plan Area: 73.57m²
 Unit 7-13 P.O.S: 12.64m²
 Unit 8 & 14 P.O.S: 13.18m²
 Car Space: 2


Location Plan



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	CLIENT: REVELSTOKE BUILDERS ADDRESS: 101 Channel Highway, Kingston		REV	AMENDMENT	DATES	JOB NO: 2001	PROPOSAL: 35 UNITS	STATUS: APPROVAL	PG NO. REV
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						189009392	BUILDING SURVEYOR:	SCALE: 1:500 @ A3	
						DRAWN: MK	MATT KENNEDY DRAFTING & DESIGN / 189009392 / 0472 655 173 / MATT@MATT-KENNEDY.COM.AU		





CLIENT:
REVELSTOKE BUILDERS

ADDRESS:
101 Channel Highway, Kingston



REV	AMENDMENT	DATES

JOB NO: **2001**

JOB NO:
189009392

DRAWN: **MK**

PROPOSAL: **35 UNITS**

ENGINEER:

BUILDING SURVEYOR:

MATT KENNEDY DRAFTING & DESIGN / 189009392 / 0472 655 173 / MATT@MATT-KENNEDY.COM.AU

STATUS: **APPROVAL**

DATE: **05/08/21**


SCALE: **1:500** @ **A3**

PG NO. REV

A2.0




Stage Plan-Stage 1

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Stage Plan-Stage 2


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					MATT KENNEDY DRAFTING & DESIGN / 189009392 / 0472 655 173 / MATT@MATT-KENNEDY.COM.AU			



Stage Plan-Stage 3

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						MATT KENNEDY DRAFTING & DESIGN / 189009392 / 0472 665 173 / MATT@MATT-KENNEDY.COM.AU		




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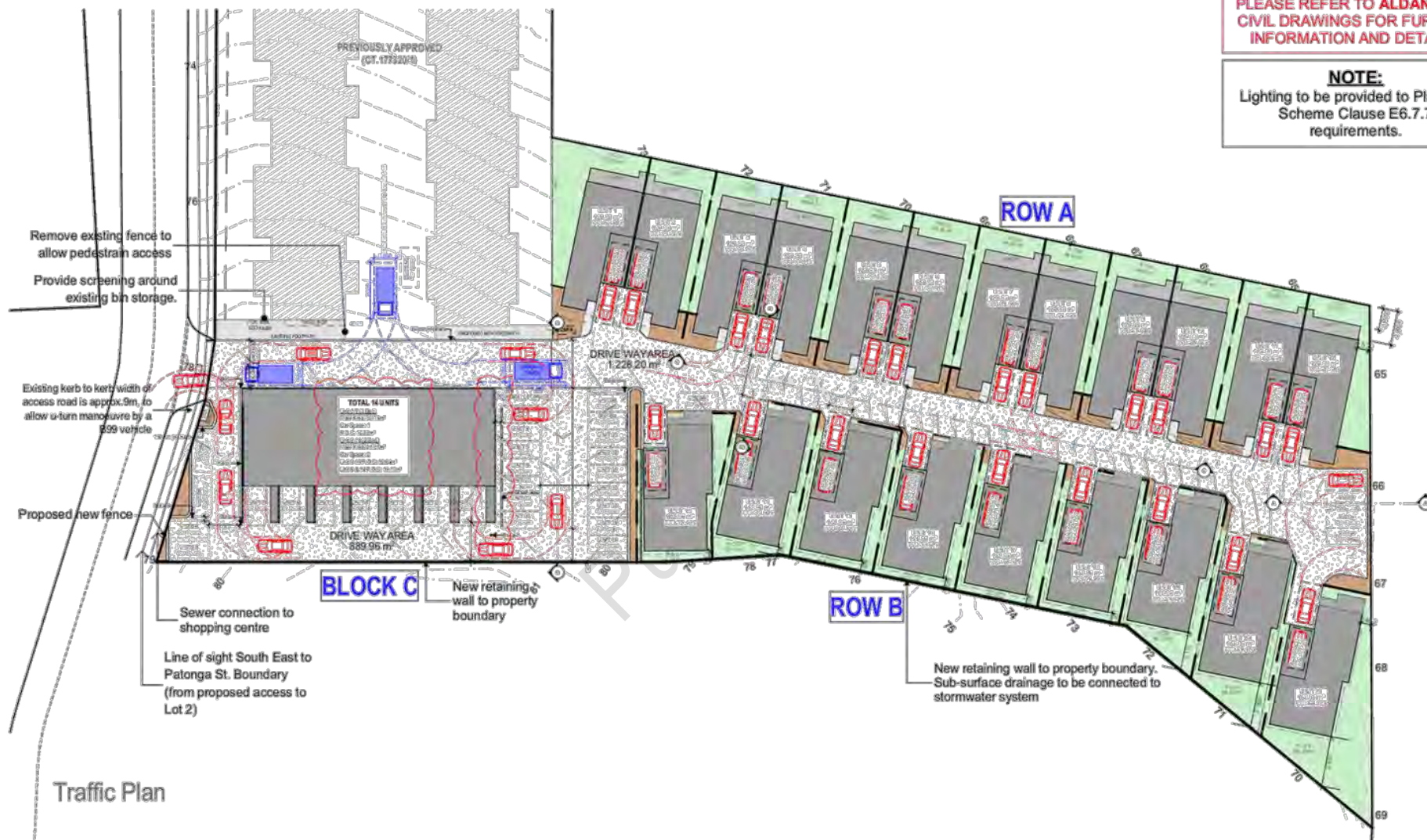


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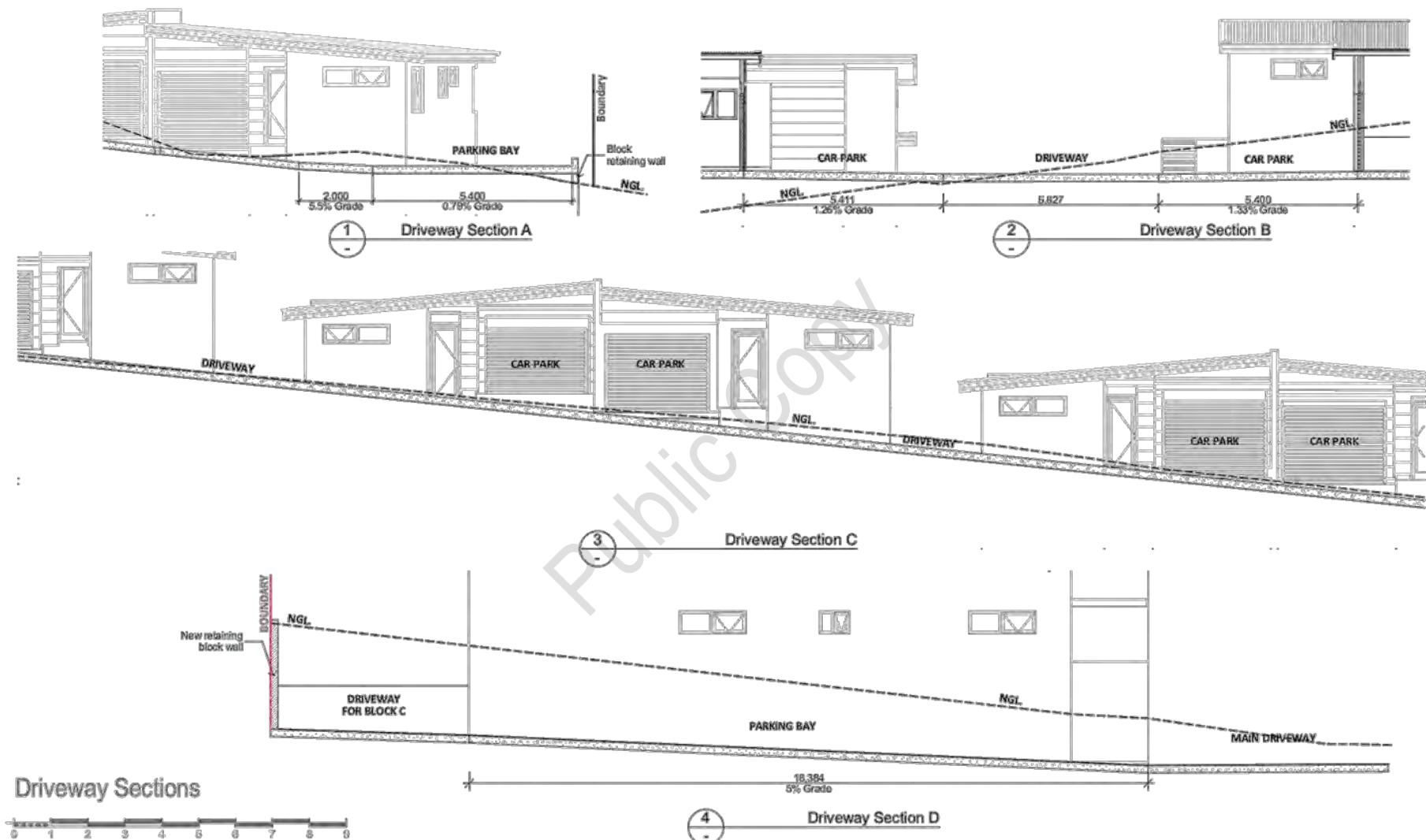
NOTE:
PLEASE REFER TO ALDANMARK
CIVIL DRAWINGS FOR FURTHER
INFORMATION AND DETAILS.


NOTE:
Lighting to be provided to Planning
Scheme Clause E6.7.7
requirements.

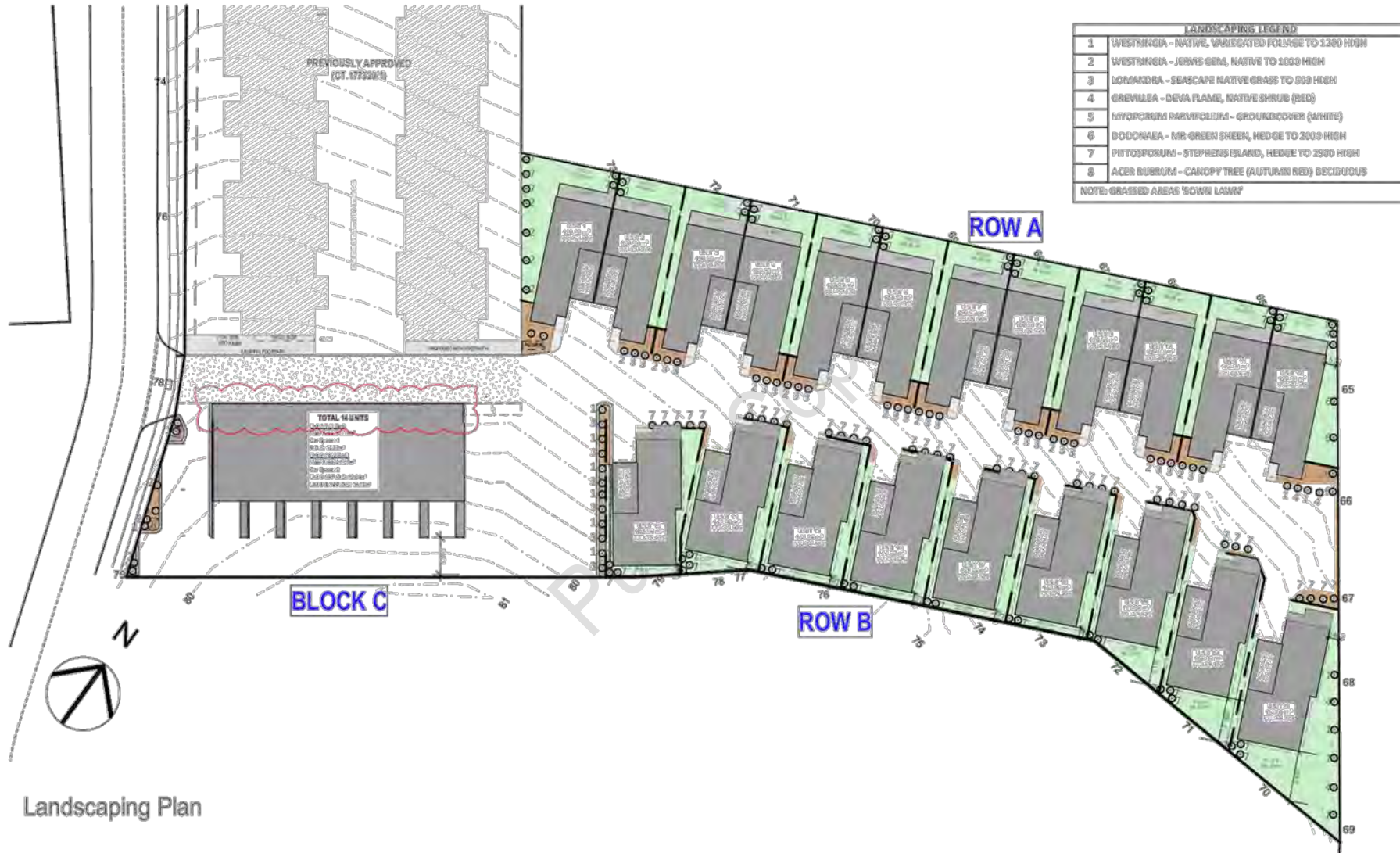


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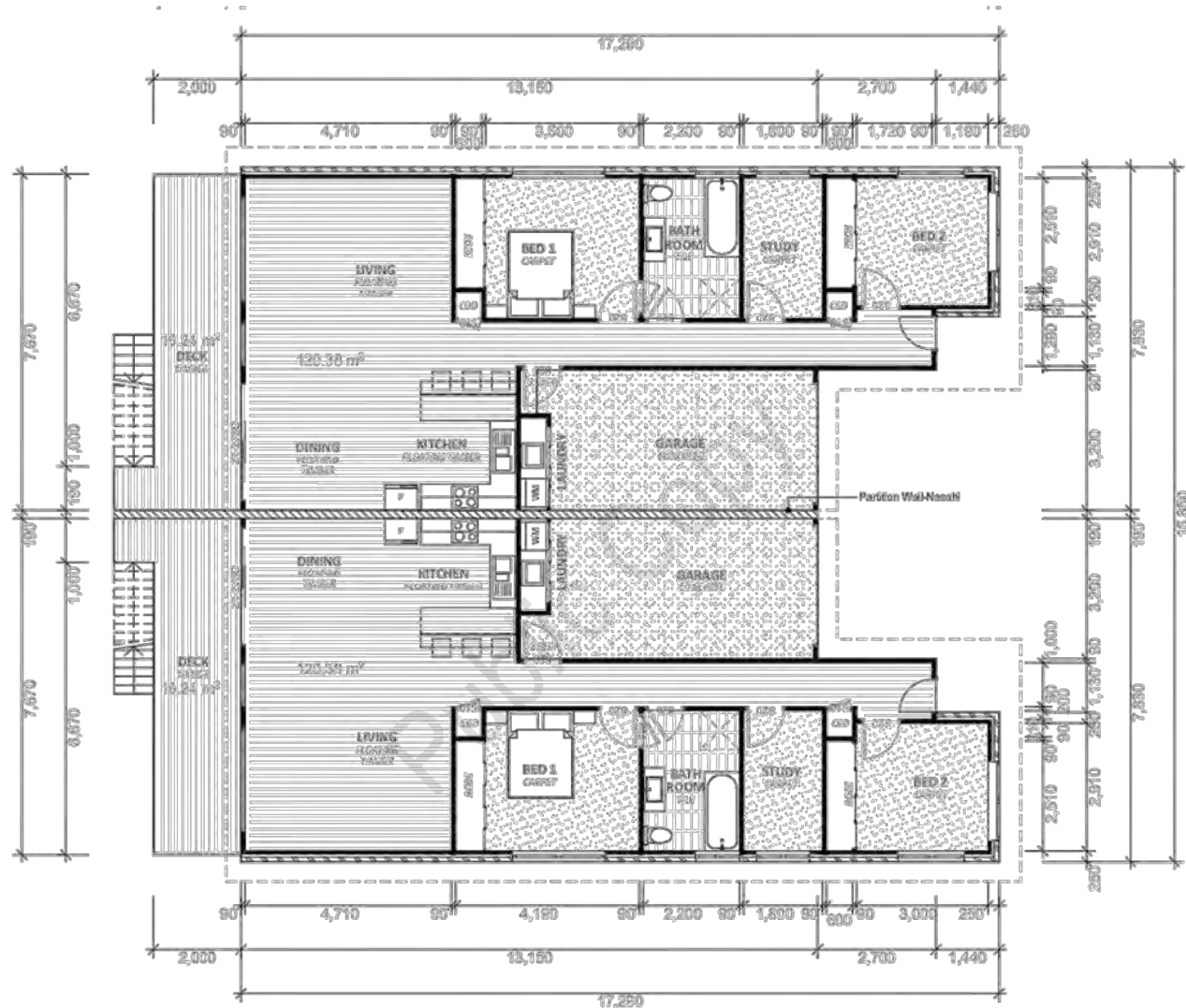


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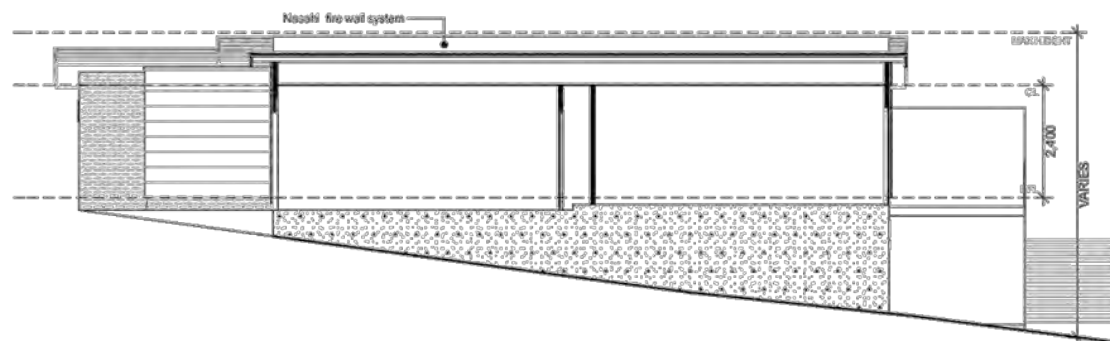


Floor Plan Type A

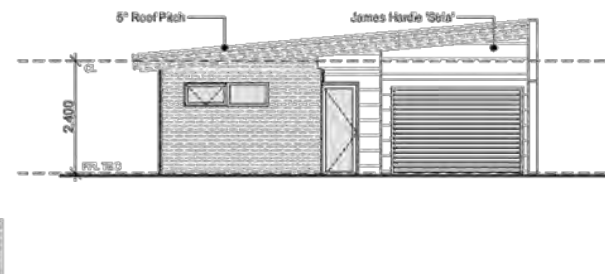


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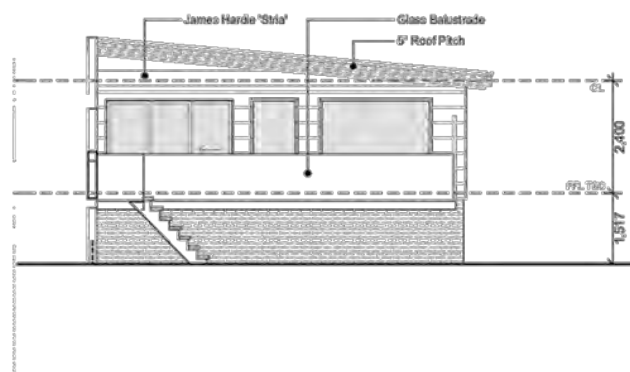
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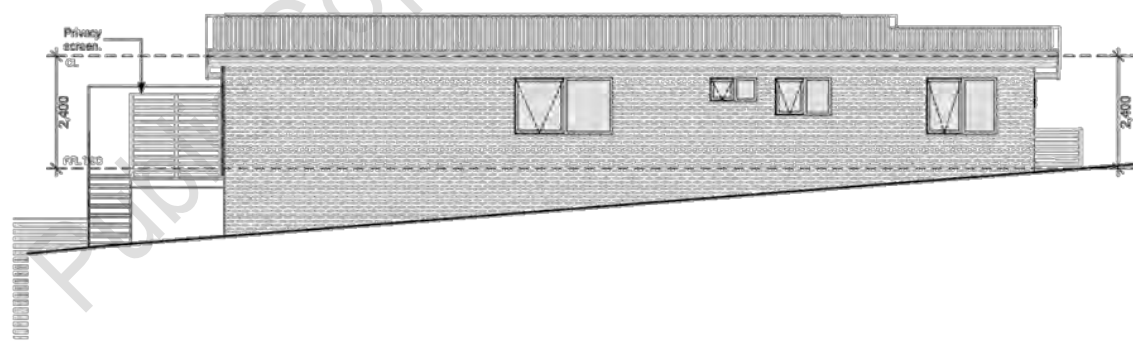
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2 Southeast Elevation-Type A
1:100 @ A3



3 Northwest Elevation-Type A
1:100 @ A3




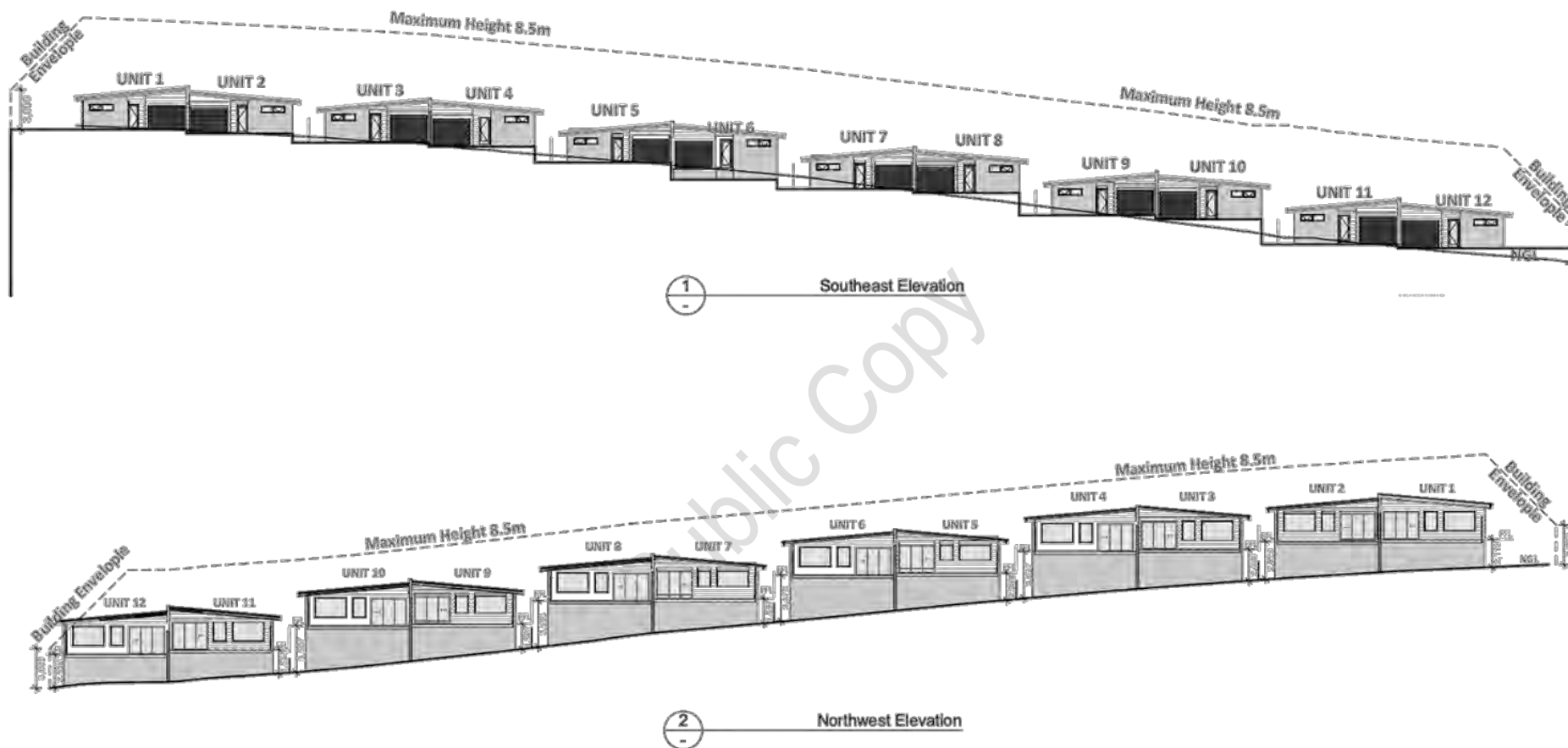
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1:100 @ A3

Elevations Type A




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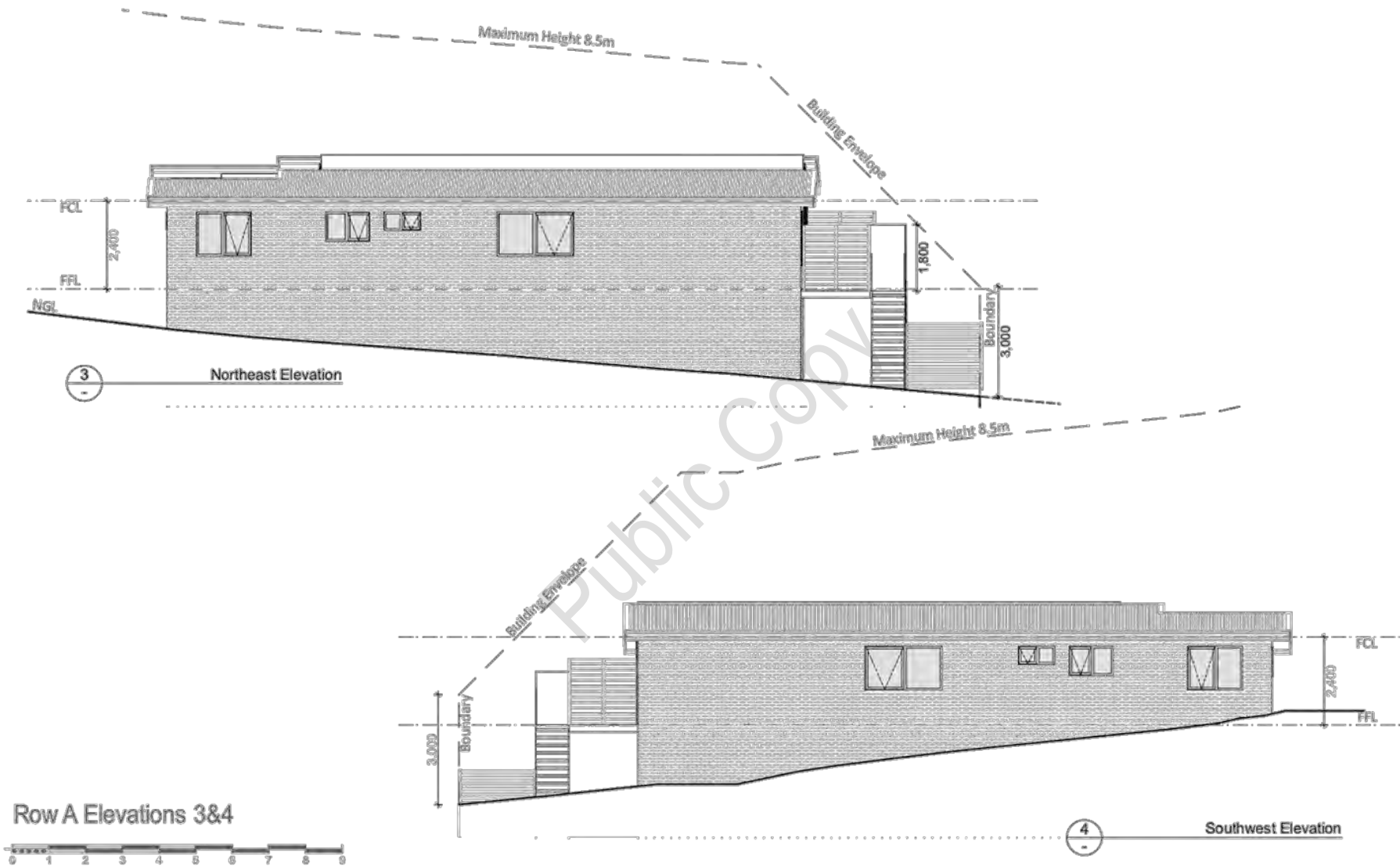
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	ADDRESS: 101 Channel Highway, Kingston				JOB NO:	ENGINEER:	DATE: 05/08/21	A13.0
					189009392	BUILDING SURVEYOR:	SCALE: 1:100 @ A3	
					DRAWN: MK	MATT KENNEDY DRAFTING & DESIGN / 189009392 / 0472 655 173 / MATT@MATT-KENNEDY.COM.AU		




Row A Elevations 1&2

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	CLIENT: REVELSTOKE BUILDERS	REV	AMENDMENT	DATES	JOB NO: 2001	PROPOSAL: 35 UNITS	STATUS: APPROVAL	PG NO. REV
	ADDRESS: 101 Channel Highway, Kingston				JOB NO:	ENGINEER:	DATE: 05/08/21	A14.0
					189009392	BUILDING SURVEYOR:	SCALE: 1:300 @ A3	
					DRAWN: MK	MATT KENNEDY DRAFTING & DESIGN / 189009392 / 0472 655 173 / MATT@MATT-KENNEDY.COM.AU		





	CLIENT: REVELSTOKE BUILDERS ADDRESS: 101 Channel Highway, Kingston	REV	AMENDMENT	DATES	JOB NO: 2001	PROPOSAL: 35 UNITS	STATUS: APPROVAL	PG NO. REV
					JOB NO:	ENGINEER:	DATE: 05/08/21	A15.0
					189009392	BUILDING SURVEYOR:	SCALE: 1:100 @ A3	
					DRAWN: MK	MATT KENNEDY DRAFTING & DESIGN / 189009392 / 0472 655 173 / MATT@MATT-KENNEDY.COM.AU		

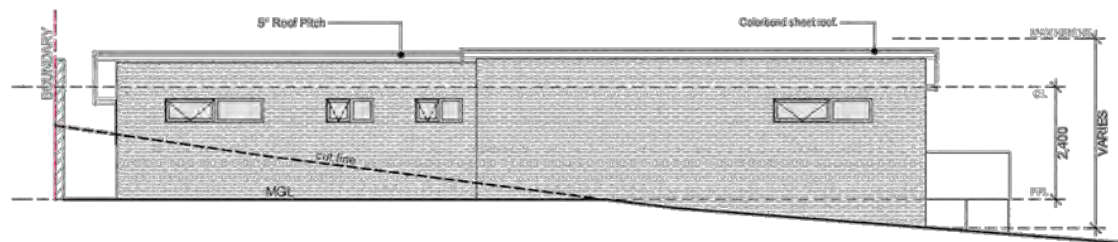


Floor Plan Type B

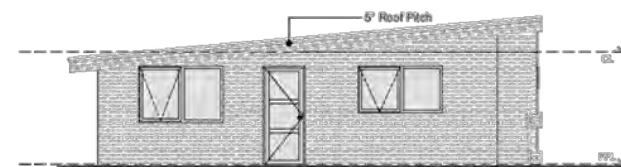


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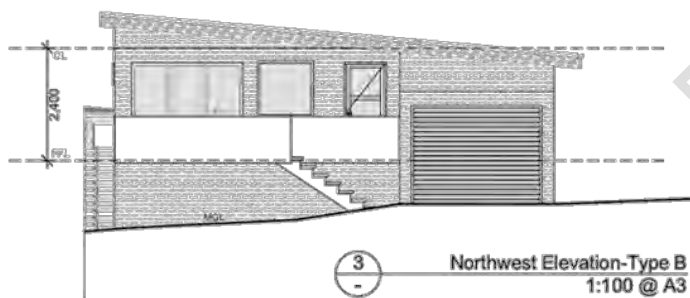
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						JOB NO: 189009392	ENGINEER:	DATE: 05/08/21	
						DRAWN: MK	BUILDING SURVEYOR:	SCALE: 1:100 @ A3	
							MATT KENNEDY DRAFTING & DESIGN / 189009392 / 0472 655 173 / MATT@MATT-KENNEDY.COM.AU		



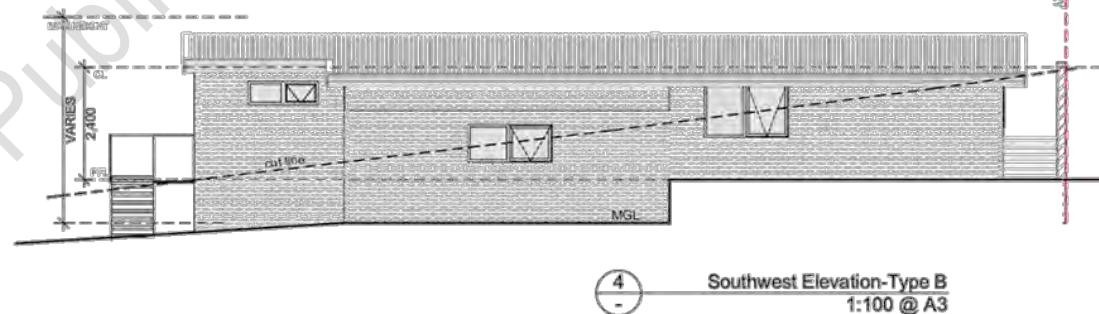
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1:100 @ A3



2 Southeast Elevation-Type B
1:100 @ A3



3 Northwest Elevation-Type B
1:100 @ A3




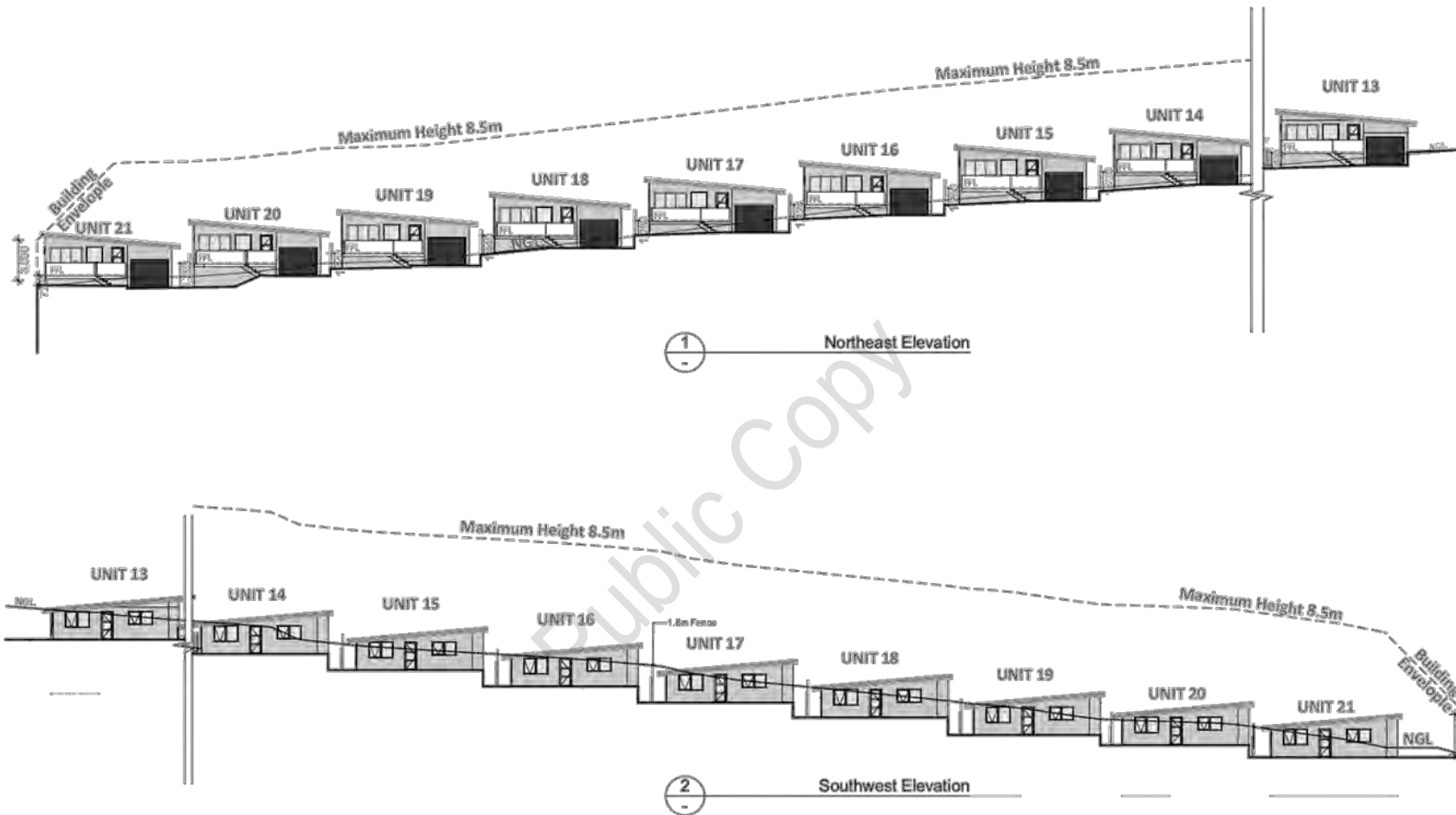
4 Southwest Elevation-Type B
1:100 @ A3

Elevations Type B



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	CLIENT: REVELSTOKE BUILDERS	REV	AMENDMENT	DATES	JOB NO: 2001	PROPOSAL: 35 UNITS	STATUS: APPROVAL	PG NO. REV	
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					189009392	BUILDING SURVEYOR:	SCALE: 1:100 @ A3		
					DRAWN: MK	MATT KENNEDY DRAFTING & DESIGN / 189009392 / 0472 655 173 / MATT@MATT-KENNEDY.COM.AU			

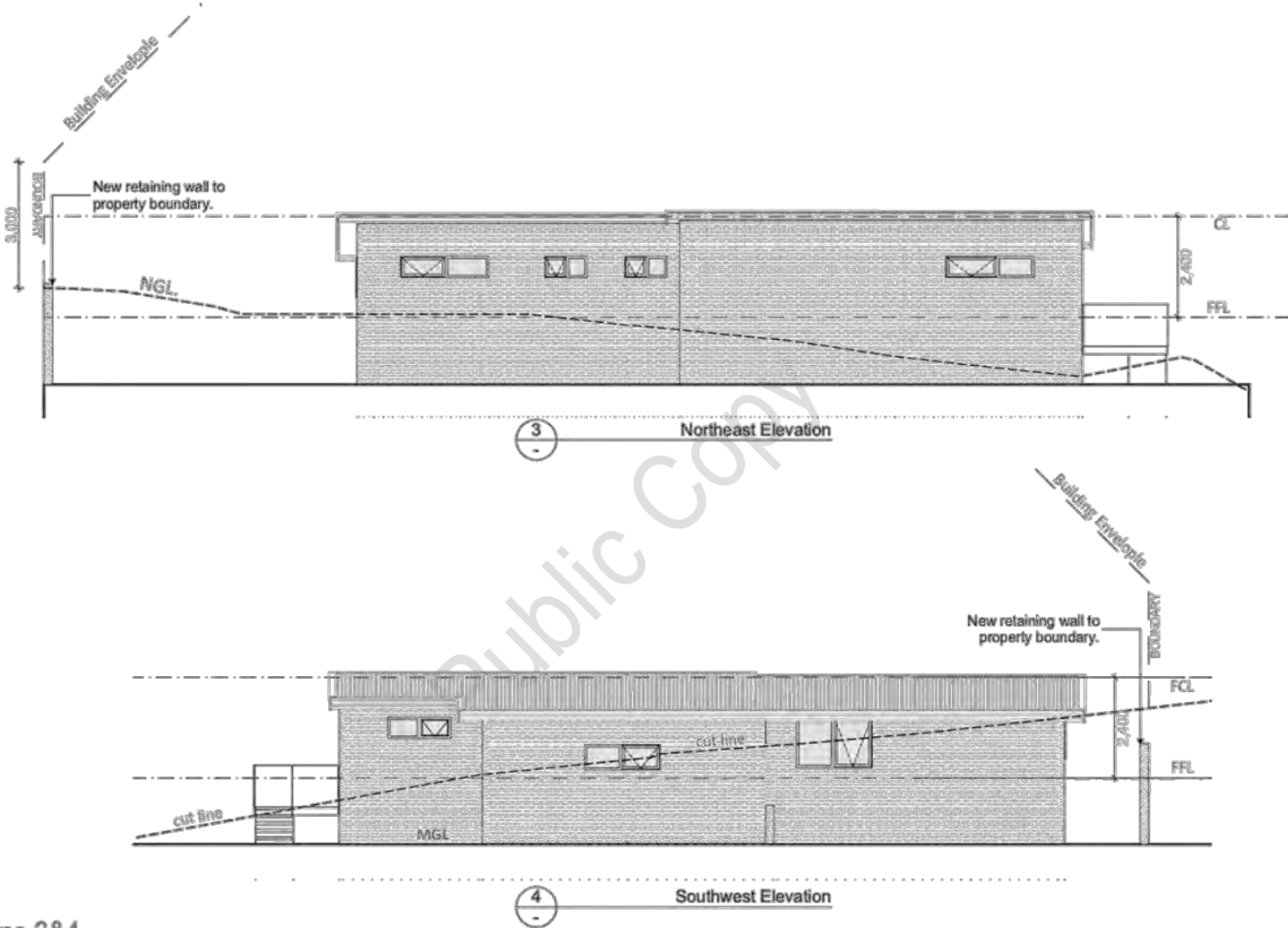


Row B Elevations 1&2




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	CLIENT: REVELSTOKE BUILDERS	REV	AMENDMENT	DATES	JOB NO: 2001	PROPOSAL: 35 UNITS	STATUS: APPROVAL	PG NO. REV
	ADDRESS: 101 Channel Highway, Kingston				JOB NO:	ENGINEER:	DATE: 05/08/21	A18.0
					189009392	BUILDING SURVEYOR:	SCALE: 1:300 @ A3	
					DRAWN: MK	MATT KENNEDY DRAFTING & DESIGN / 189009392 / 0472 655 173 / MATT@MATT-KENNEDY.COM.AU		



Row B Elevations 3&4



	CLIENT: REVELSTOKE BUILDERS	REV	AMENDMENT	DATES	JOB NO: 2001	PROPOSAL:35 UNITS	STATUS: APPROVAL	PG NO. REV A19.0
	ADDRESS: 101 Channel Highway, Kingston				JOB NO:	ENGINEER:	DATE: 05/08/21	
					189009392	BUILDING SURVEYOR:	SCALE: 1:100 @ A3	
					DRAWN: MK	MATT KENNEDY DRAFTING & DESIGN / 189009392 / 0472 655 173 / MATT@MATT-KENNEDY.COM.AU		



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Floor Plan Type C





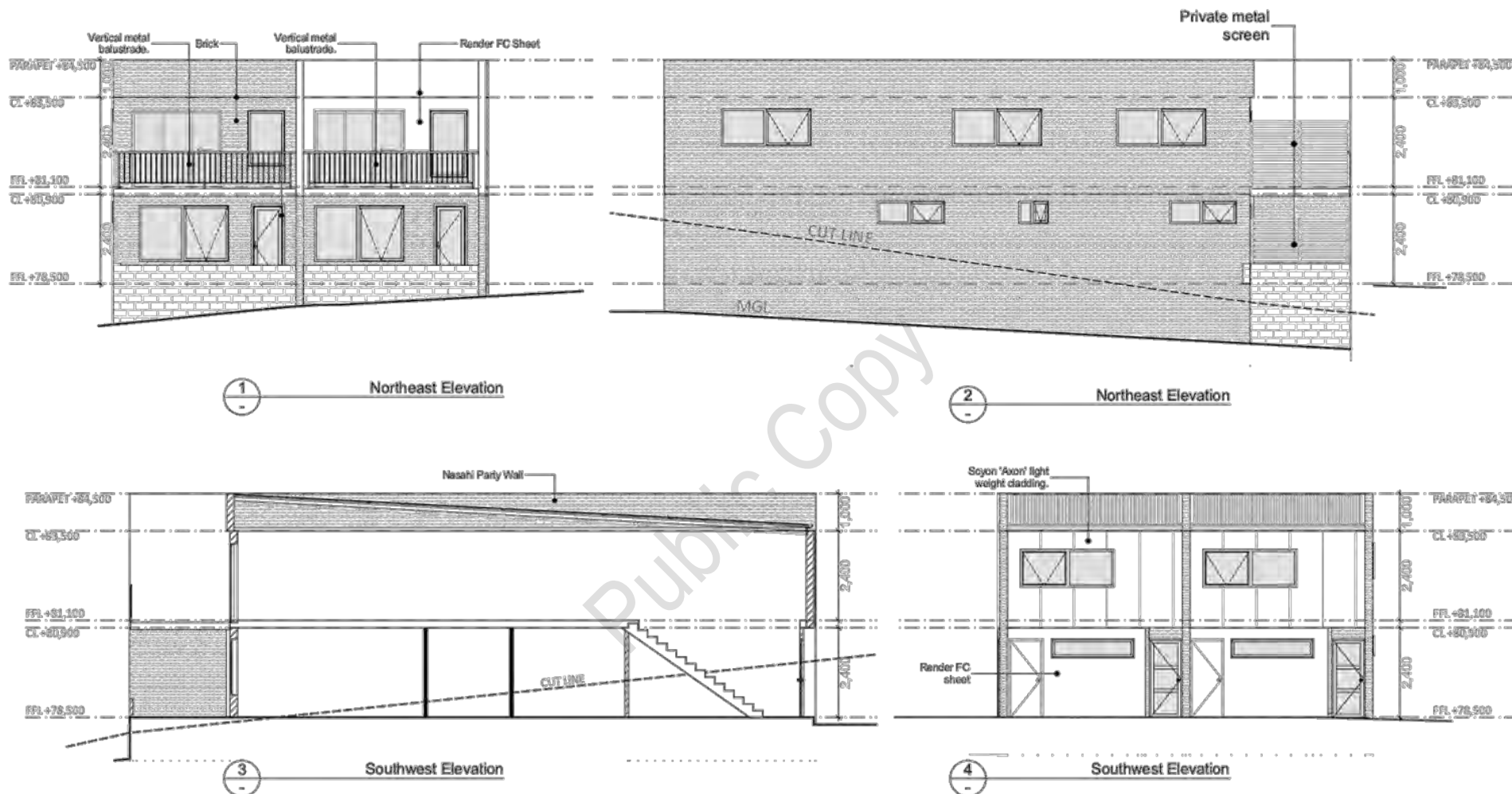
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	CLIENT: REVELSTOKE BUILDERS ADDRESS: 101 Channel Highway, Kingston		REV	AMENDMENT	DATES	JOB NO: 2001	PROPOSAL: 35 UNITS	STATUS: APPROVAL	PG NO. REV
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						DRAWN: MK	MATT KENNEDY DRAFTING & DESIGN / 189009392 / 0472 655 173 / MATT@MATT-KENNEDY.COM.AU		



Floor Plan Type D


	CLIENT: REVELSTOKE BUILDERS ADDRESS: 101 Channel Highway, Kingston		REV	AMENDMENT	DATES	JOB NO: 2001	PROPOSAL: 35 UNITS	STATUS: APPROVAL	PG NO. REV
						JOB NO:	ENGINEER:	DATE: 05/08/21	A21.0
						189009392	BUILDING SURVEYOR:	SCALE: 1:100 @ A3	
						DRAWN: MK	MATT KENNEDY DRAFTING & DESIGN / 189009392 / 0472 655 173 / MATT@MATT-KENNEDY.COM.AU		




Elevations Type C & D



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	CLIENT: REVELSTOKE BUILDERS	REV	AMENDMENT	DATES	JOB NO: 2001	PROPOSAL: 35 UNITS	STATUS: APPROVAL	PG NO. REV	
	ADDRESS: 101 Channel Highway, Kingston				JOB NO:	ENGINEER:	DATE: 05/08/21	A22.0	
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					DRAWN: MK	MATT KENNEDY DRAFTING & DESIGN / 189009392 / 0472 655 173 / MATT@MATT-KENNEDY.COM.AU			



	CLIENT:	REV	AMENDMENT	DATES	JOB NO: 2001	PROPOSAL: 35 UNITS	STATUS: APPROVAL	PG NO. REV
	REVELSTOKE BUILDERS				JOB NO:		DATE: 05/08/21	A23.0
	ADDRESS:				189009392	BUILDING SURVEYOR:	SCALE: 1:200 @ A3	
	101 Channel Highway, Kingston				DRAWN: MK	MATT KENNEDY DRAFTING & DESIGN / 189009392 / 0472 655 173 / MATT@MATT-KENNEDY.COM.AU		

Checklist For Development Applications

Multiple Dwellings In The Inner Residential Zone

Zone Provisions

Issue	Compliance/Comments
<p>Residential density for multiple dwellings (Cl. 11.4.1)</p> <ul style="list-style-type: none"> A1 – site area for multiple dwellings not less than 200m² and not more than 400m² 	<p>A1 – Complies – The proposal is for 36 dwellings on proposed Lot 2 (approved DAS-2020-16) which has an area of 7600m² - the density is 211m² per dwelling.</p>
<p>Setbacks and building envelope (Cl. 11.4.2)</p> <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: <ul style="list-style-type: none"> (a) at least 3m, or, if the setback from the frontage is less than 3m, not less than the setback from the frontage of any existing dwelling on the site; (b) 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. setback from frontage A2 - setback from primary frontage for carport/garage of 4m or 1m behind the façade. 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 11.4.2A, 11.4.2B, 11.4.2C and 11.4.2D) determined by: <ul style="list-style-type: none"> (i) a distance equal to the permitted frontage setback or, for an internal lot, a distance of 3m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 3m from the rear boundary; to a building height of not more than 9.5 m above natural ground level; and (b) only have a setback within 1.5 m of a side boundary if the dwelling: <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or (ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser). containment within the building envelope 	<p>A1 – Complies – The frontage of the subject lot is on Maranoa Road and Channel Highway. The roadway known as Kingstown Town Drive is not a public road but is the internal vehicle access driveway to the Kingston Town Shopping Centre.</p> <p>Note is made that the setback of the proposed units Block C is in excess of 3m from the internal Kingstown Town Drive boundary.</p> <p>A2 – Complies – there is no garage or carport within 4m of the frontage of the site.</p> <p>A3 – Not Complying</p> <p>The location of the multiple dwellings is internal and predominantly behind the Channel Highway fronting lots (No's 87-99). Currently as a part of the larger lot containing the Kingston Town Shopping Centre the proposal complies.</p> <p>In accordance with A3 the Building Envelope for the proposed internal Lot 2 imposes a 3m setback to the north west boundary (adjoining 89-99 Channel Highway) and a 3m setback along the south east rear boundary. There are no setbacks required for the north eastern, side boundary or south western boundary to Kingston Town Drive.</p> <p>Unit 12 in Block A and Unit 21 in Block B would not comply when the new boundaries for Lot 2 are created relative to the shopping centre land. They have been assessed under Performance Criteria P3:</p> <p>A4 – Complies – No high conservation trees are to be removed as part of the application.</p> <p>The area of vegetation along the southern edge of the development (Block B) is dominated by pine species with no high conservation value trees noted on a site visit on 22/02/2021.</p> <p>Three (3) high conservation trees were approved for removal as part of DAS-2020-16.</p>

Issue	Compliance/Comments
<ul style="list-style-type: none"> A4 – Impact on trees <p>Site coverage and private open space (Cl. 11.4.3)</p> <ul style="list-style-type: none"> A1 – (a) site coverage 50% A1 – (b) 50m² private open space per dwelling A1 – (c) pervious surfaces 25% A2 - 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) 3 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. 	<p>A1(a) – Complies – the proposal has a site coverage of 43%.</p> <p>A1(b) – Not Complying – The proposal does not include 50m² of POS per dwelling for all dwellings and includes pervious surfaces less than 25%.</p> <p>A1(c) – Complies – The proposal complies to pervious surfaces with total impervious surfaces over 72.5% of the site – i.e. pervious being 27.5%.</p> <p>A2 – Not Complying – The proposal does not comply in relation to the ground floor units in Block C that have their private open space provided as decks of 12.22m² however they do not have a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer).</p> <p>All other units have complying private open space areas. The Block C upper level units have decks of over 12m².</p>
<p>Sunlight and overshadowing (Cl. 11.4.4)</p> <ul style="list-style-type: none"> A1 – location of habitable rooms (north) A2 – location of multiple dwelling to the north of a habitable room of another dwelling on the same site A3 – location of multiple dwelling to the north of the private open space of another dwelling on the same site 	<p>A1 – Complies – all dwellings will have a north west facing window from the main living areas.</p> <p>A2 – Complies – All dwellings receive at least 3 hours sunlight between 12pm and 3pm on 21 June to their north facing windows.</p> <p>A3 – Complies – The north west orientation for all dwellings will receive at least 3 hours sunlight to the private open space areas between 12pm and 3pm on 21 June.</p>
<p>Width of openings for garages and carports (Cl. 11.4.5)</p> <ul style="list-style-type: none"> A1 – width of garage openings 	<p>A1 – Complies – there are no garages or carports within 12m of the frontage.</p>
<p>Privacy for all dwellings (Cl. 11.4.6)</p> <ul style="list-style-type: none"> A1 – setbacks for balconies, decks, roof terrace, parking spaces and carports A2 – setbacks and separation for windows of habitable rooms A3 – Separation of habitable room windows from shared driveway for multiple dwellings 	<p>A1 – Complies – all decks are at least 3m from a boundary or, where closer to the proposed boundaries, 1.7m screens have been included. A solid 'fin' wall is located between each dwelling in the row (block) to prevent side views from the decks of adjoining dwellings.</p>

Issue	Compliance/Comments
	<p>A condition is recommended for inclusion in any permit issued.</p> <p>A2 – Complies – The windows more than 1m above ground level are separated at least 6m or offset to avoid direct views.</p> <p>A3 – Complies – Windows to habitable rooms are setback at least 2,5m from shared parking, vehicle areas or have sill heights of at least 1.7m.</p>
<p>Frontage fences (Cl.11.4.7)</p> <ul style="list-style-type: none"> A1 – maximum height of fences 	A1 – NA – no front fence proposed.
<p>Waste storage for multiple dwellings (Cl. 11.4.8)</p> <ul style="list-style-type: none"> A1 – Waste storage and recycle bin areas for multiple dwellings 	A1 – Complies - A communal waste storage area is to be provided and will be serviced by an approved waste management contractor.

Code Provisions

Issue	Compliance/Comments
E3.0 Landslide Code	
<p>Part of the site is covered by the Landslide Code and classified as Low Landslide Hazard. E3.4 Use or Development Exempt from this Code states that “(c) buildings within a Low Landslide Hazard Area” are exempt for the Code.</p> <p>The proposal however contains significant earthworks (excavation) in addition to the specific dwelling buildings. The earthworks are not exempt from the Code.</p>	
<p>Buildings and works, other than minor extensions (see definition) (Cl.E3.7.1)</p> <ul style="list-style-type: none"> A1 – No acceptable solution (requires assessment against performance criteria) 	A1 – Not Complying - There is no acceptable solution and requires assessment against performance criteria.
<p>Major works (see definition) (Cl.E3.7.3)</p> <ul style="list-style-type: none"> A1 – No acceptable solution (requires assessment against performance criteria) 	A1 – Not Complying - There is no acceptable solution and requires assessment against performance criteria.
E5.0 Road and Railway Assets Code	
<p>Development adjacent to roads and railways (Cl.E5.6.1)</p> <ul style="list-style-type: none"> A1.1 – Location of development from category 1 or 2 road or area subject to speed limit of more than 60 kmh: at least 50 metres A1.2 – Buildings located within a row of existing buildings 	<p>A1.1 – N/A – Channel Highway is not Category 1 or 2 road.</p> <p>A1.2 – N/A</p>
<p>Road access and junctions (Cl.E5.6.2)</p> <ul style="list-style-type: none"> A1 - New access or junction to roads in area where speed limit more than 60 kmh A2 – Number of accesses in an area where speed limit is 60 kmh or less 	<p>A1 – N/A Complies – No new access points.</p> <p>A2 – Complies – No new access points.</p>
<p>Sight distance at access, junctions and level crossings (Cl.E5.6.4)</p> <ul style="list-style-type: none"> A1 – Sight distances at access &/or junctions complies with table 	A1 – Complies – Traffic Impact Assessment provided demonstrating compliance with standards.

Issue	Compliance/Comments
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 – A total of 63 resident cars and 11 visitor car parking spaces are provided. The Code standards are as follows: 7 x one bedroom dwellings = 7 cars 28 x two bedroom dwellings = 56 cars 35/4 = 9 visitor car parking spaces Total spaces required = 72 spaces Total spaces provided = 74 spaces
Number of vehicular accesses (Cl.E6.7.1) <ul style="list-style-type: none"> A1 – Number of vehicle access points complies 	A1 – Complies to the Code standards
Design of vehicular accesses (Cl.E6.7.2) <ul style="list-style-type: none"> A1 – Design of vehicle access points complies 	A1 – Complies to the Code standards
Vehicular passing areas along an access (Cl.E6.7.3) <ul style="list-style-type: none"> A1 – Vehicular passing areas comply 	A1 – Complies to the Code standards
On-site turning (Cl.E6.7.4) <ul style="list-style-type: none"> A1 – on-site turning provides for vehicles to exit property in forward direction 	A1 – Complies to the Code standards
Layout of parking areas (Cl.E6.7.5) <ul style="list-style-type: none"> A1 – Layout and compliance with Australian Standard 	A1 – Complies to the Code standards.
Surface treatment of parking areas (Cl.E6.7.6) <ul style="list-style-type: none"> A1 – Parking spaces and vehicular circulation surfaces provided 	A1 – Complies to the Code standards
Lighting of parking areas (Cl.E6.7.7) <ul style="list-style-type: none"> A1 – Parking and vehicle circulation roadways are provided with lighting 	A1 – Complies to the Code standards
Landscaping of parking areas (Cl.E6.7.8) <ul style="list-style-type: none"> A1 – Landscaping of parking and circulation areas complies 	A1 – Complies to the Code standards
Siting of carparking (Cl.6.7.12) <ul style="list-style-type: none"> A1 – Location of carparking 	A1 – Complies to the Code standards
Access to a road (Cl.6.7.14) <ul style="list-style-type: none"> A1 – Access to road complies with road authority requirements 	A1 – Complies to the Code standards
E7.0 Stormwater Management Code	
Stormwater drainage and disposal (Cl.E7.7.1) <ul style="list-style-type: none"> A1 – Disposal of stormwater to public infrastructure A2 – Sensitive design of stormwater system incorporates water sensitive urban design principles A3 – Design of minor stormwater drainage system A4 – Design of major stormwater drainage system 	A1 – Complies - Disposal of stormwater to public infrastructure. A2 – Complies - design of the stormwater system incorporates water sensitive urban design principles. A3 – Complies to Council standards and Codes. A4 – NA
E10.0 Biodiversity Code	

Issue	Compliance/Comments
	<p>While the proposed development site is within a Biodiversity Protection Area, the native vegetation subject to the Code was assessed and offset at the subdivision stage. No further native vegetation will be impacted by the building and works, therefore Code E10.0 is not applicable.</p> <p>Note is made that the proposed lot will not be within the Code area once subdivided.</p>

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

Public Copy



Submission to Planning Authority Notice

Council Planning Permit No.	DA2021-47	Council notice date	18/02/2021
TasWater details			
TasWater Reference No.	TWDA 2021/00250-KIN	Date of response	02/03/2021
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	U 1/37 - 59 MARANO RD, KINGSTON	Property ID (PID)	9024681
Description of development	Multiple Dwellings x36 (CT 126707/0) - Staged		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Matt Kennedy Drafting	Location Plan / A1.0	0	20/01/2021
Conditions			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p>CERTIFICATE OF TITLE for SUBDIVISION</p> <p>1. Prior to the issue of a Certificate of Water and Sewerage Compliance for any stage the developer must provide to TasWater a copy of the Certificate of Title for the new lots created by subdivision application DAS 2020-16.</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. The water property connection and associated private water infrastructure where located within adjoining land must be contained within a private service easement benefitting the subject land and burdening the adjoining land.</p> <p>4. 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> <p>5. Prior to commencing construction of the subdivision/use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</p> <p>56W CONSENT</p> <p>6. 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 <i>Water and Sewerage Industry Act 2008</i> for its consent in the event that any part of the development is built within two metres of TasWater infrastructure.</p> <p>DEVELOPMENT ASSESSMENT FEES</p>			



7. The applicant or landowner as the case may be, must pay a development assessment fee of \$675.71 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.

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) will need to show footings of proposed buildings located over or 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 size, depth, location and proposed finished surface levels over the pipe relative to the footings;
- (b) Footings must be outside of easements and no closer than 1.0m from the pipe wall 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.

Declaration

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

Authorised by

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

13.2 DEVELOPMENT APPLICATION FOR 55 MULTIPLE DWELLINGS AND DEMOLITION OF EXISTING DWELLING, INCLUDING STORMWATER AND SEWER INFRASTRUCTURE

File Number: DA-2021-80

Author: Timothy Donovan, Senior Planning Officer

Authoriser: Tasha Tyler-Moore, Manager Development Services

Applicant:	38 Waterworks Road Pty Ltd
Owner:	38 Waterworks Road Pty Ltd and Xirui Du
Subject Site:	70 Channel Highway and 6 Breeza Court, Kingston
Proposal:	51 Multiple Dwellings and Demolition of Existing Dwelling, and Stormwater and Sewer Infrastructure
Planning Scheme:	Kingborough Interim Planning Scheme 2015
Zoning:	10.0 General Residential
Codes:	E1.0 Bushfire Prone Areas E5.0 Road and Railway Assets E6.0 Parking and Access E7.0 Stormwater Management E10.0 Biodiversity E15.0 Inundation Prone Areas E24.0 Significant Trees
Use Class/Category:	Residential
Discretions	General Residential Zone: <ul style="list-style-type: none"> • Cl.10.4.2 A4 Setbacks and building envelope for all dwellings (high value conservation trees) • Cl.10.4.4 A1 Sunlight and overshadowing for all dwellings • Cl.10.4.7 A1 Frontage fences for all dwellings Road and Railway Assets <ul style="list-style-type: none"> • Cl.E5.5.1 A3 Annual average daily traffic Biodiversity Code: <ul style="list-style-type: none"> • Cl.E10.7.1 A1 Buildings and Works Significant Trees Code: <ul style="list-style-type: none"> • Cl.E.24.6.1 A1 Lopping, pruning, removal or destruction of significant trees.
Public Notification:	Public advertising was undertaken between 30 June 2021 and 13 July 2021 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i> .
Representations:	Nineteen (19) representations were received against the proposal. The submitters raised the following grounds: <ul style="list-style-type: none"> • Traffic Issues including delays and safety issues • Pedestrians and cyclists issues • Impact on adjacent property and units
Recommendation:	Approval with Conditions

1. PROPOSAL

1.1 Background

The subject site was approved for the subdivision of 15 lots and a balance lot under Development Permit DAS-2019-6 issued on 14 February 2020.

The conditions of approval included the requirement for a Part 5 Agreement in relation to the measures contained within the subdivision Bushfire Hazard Report and the associated Bushfire Hazard Management Plan (BHMP), and an acoustic barrier fence along the Southern Outlet boundary.

The subdivision has not proceeded.



Figure 1 - Approved Plan of Subdivision DAS-2019-6.

1.2 Description of Proposal

The proposal is for the development of 55 multiple dwellings in 11 Stages and includes:

- Demolition of the existing dwelling and outbuilding
- Clearing of vegetation
- 34 x two storey, 2 and 3 bedroom terraced dwellings
- 8 x two storey, 3 bedroom dwellings
- 13 x single storey, 2 bedroom dwellings
- Two car parking spaces per dwelling plus 14 visitor parking spaces (total of 124 spaces)
- Access is from Moir Road with no vehicular access to either Channel Highway or the Southern Outlet. An additional footway access is proposed across the Channel Highway.

- No 6 Breeza Court is to be used to provide stormwater and sewer infrastructure to the site. These will run along the western boundary of the lot and connect to Breeza Court from the subject site.
- Further stormwater infrastructure is required to be provided within the Kingston Bypass reserve.
- The application included a letter of support from Uniting Victoria and Tasmania in relation to the possible purchase of multiple units in the development for social housing.

The application as lodged and advertised sought approval for 55 dwellings on the basis that the site was well located in relation to public transport and to central Kingston with employment, education and recreational services. The application cited a number of other unit developments in the area including those in the Inner Residential Zone as examples of similar higher densities. The community/social housing considerations were also offered as a reason to allow a higher density.

The application has been amended following the public advertising period with the deletion of 4 dwellings. This was done in response to issues raised by Council on density. There are now 51 multiple dwellings proposed.

The Council has also received correspondence from Uniting Victoria and Tasmania, following the advertising period, advising that while Uniting have a genuine commitment to providing social housing within Tasmania, and are in negotiations with the developer regarding opportunities for partnership, there is no current arrangement in place regarding the proposed development.

The large *Eucalyptus obliqua* tree on the Channel Highway frontage is to be retained and a tree protection zone provided.

A noise barrier is proposed along a portion of the north-western (rear) boundary and along the boundary with the Southern Outlet to ameliorate noise from the highway.

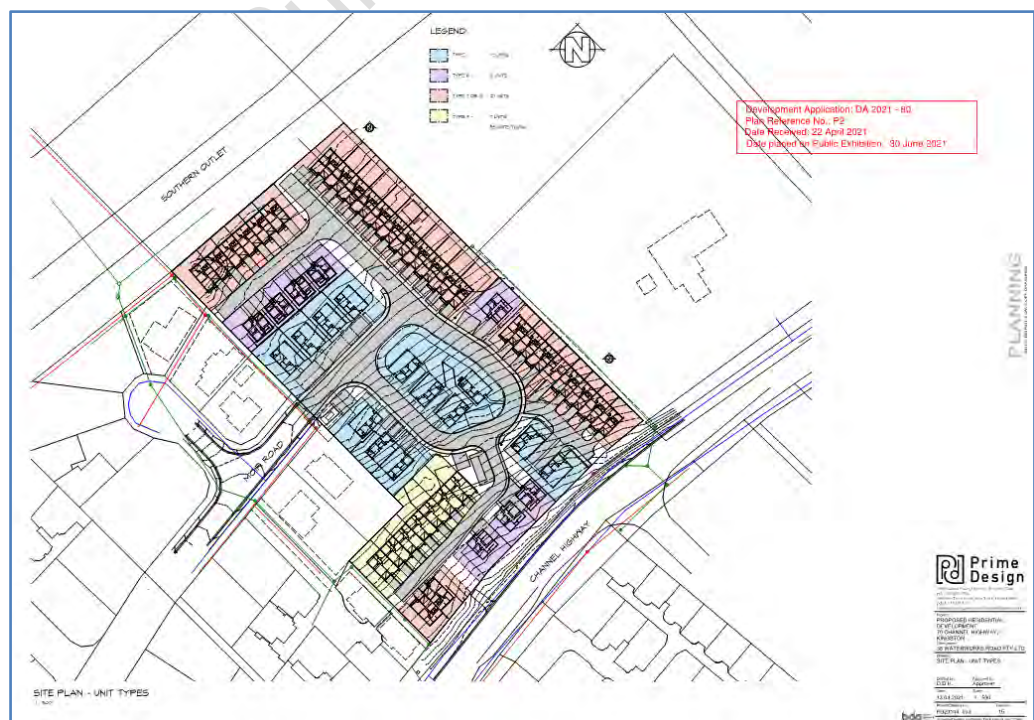


Figure 2 - Site Plan with Unit types.

1.3 Description of Site

The proposal predominantly relates to 70 Channel Highway, a large (1.68ha), irregular shaped allotment, with frontage to the Southern Outlet, the Channel Highway and Breeza Court. The site is currently developed with an existing single dwelling that is accessed via an access from Channel Highway. The application also includes 6 Breeza Court due to the location of infrastructure (sewer and stormwater) through the lot to serve the main site at 70 Channel Highway.

The site is quite heavily vegetated with a particularly dense vegetation community located at the rear of the allotment (fronting the Southern Outlet). The land has a gentle north westerly aspect of approximately 1 in 7. One of the trees on-site (to be retained) is protected under the Significant Tree Register.

The land located to the south-west of the site has been subdivided for residential purposes. The adjoining properties to the north-east include a large residential lot (68 Channel Highway) and a 2ha portion of heavily vegetated Crown Land (fronting the Southern Outlet). The subject site and surrounding area are zoned General Residential under the Kingborough Interim Planning Scheme 2015. An area of Inner Residential zoned land is located on the opposite side of the Channel Highway and is currently being developed with townhouses.



Figure 3 - Aerial photo of 70 Channel Highway.

2. ASSESSMENT

2.1 State Policies and Act Objectives

The provisions of the Planning Scheme, including the zones and codes overlays, are derived from State Policies and the approval of the Scheme by the Planning Minister was 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 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.*

The proposal complies with the zone purpose statements as it provides for residential development that accommodates a range of dwelling types at suburban densities, there is an efficient utilisation of services, and it encourages urban consolidation and greater housing choice through a range of housing types and residential densities.

Clause .1.2 – Local Area Objectives

Local Area Objectives	Implementation Strategy
KINGSTON	
(a) Kingston will be primarily maintained as a residential area, with opportunities taken to protect natural features, improve local infrastructure and services when appropriate	(a) New development should ensure that residential amenity is optimised by maintaining the existing character of the area and providing quality infrastructure where appropriate.

The proposal meets the Local Area Objective in that it ensures that residential amenity is optimised as it maintains the existing character of the area and provides quality infrastructure.

Clause .1.3 - Desired Future Character Statements

Desired Future Character Statements	Implementation Strategy
KINGSTON	
(a) Kingston is to include a mix of housing types that provide for a range of choices and affordability options.	(a) While traditional suburban areas are to be retained as appropriate, multi-unit housing is to be directed towards those areas that are relatively close to central Kingston or other significant business or commercial precincts.

(b) The ageing population should be well accommodated within Kingston enabling residents to have easy access to relevant services.	(b) Aged care facilities and associated housing and infrastructure are to be encouraged within appropriate areas.
(c) The Kingston area is characterised by vegetated corridors and backdrops and this visual appearance should be protected.	(c) The subdivision or development of land should be designed in a manner to protect or enhance vegetated corridors and backdrops

The proposal helps achieve the desired future character of Kingston as it provides multi-unit housing in an area relatively close to central Kingston business and commercial precincts.

2.3 Use Class

The use class is categorised as Residential under the Scheme. In the General Residential Zone multiple dwellings are classified as Permitted. However, the proposal does not meet all the Development Standards and is therefore Discretionary.

The application requires assessment for compliance against the Acceptable Solutions and Performance Criteria.

2.4 Use and Development Standards

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 they must be assessed against the performance criteria.

The site contains twenty-six (26) high conservation value trees, of which three (3) are proposed to be retained. One (1) of the high conservation value trees proposed for retention is located on Council land outside the boundary of the subject land (Tree NT 4) and two (2) are located within the subject land (Tree 610 and Tree 656), with Tree 656 also protected under the Significant Tree Register.

One (1) additional *Eucalyptus ovata* (black gum) tree was originally proposed for retention however this tree is just under the size thresholds for a high conservation value tree. This tree is now proposed for removal as the landscaping encroaches 23% into the tree protection zone.

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

- The performance criteria require that buildings and works are designed and located to avoid, minimise, mitigate and offset impacts on trees of high conservation value. These high conservation value trees provide potential habitat for threatened species and contribute to the desired future character of Kingston and form part of the vegetated corridor along the Kingston Bypass.

- The proposal as advertised proposed the retention of one (1) high conservation value tree within the subject land (Tree 656) and one outside the subject land (Tree NT4). Given the shape, configuration, location of services, bushfire requirements and access requirements relative to high conservation value trees, it is accepted that the ability to retain high conservation value trees without significantly compromising the development potential of the site is limited. Notwithstanding, given the proposal as advertised exceeded the density requirements of the Scheme, it was considered that there is the potential to retain at least some additional high conservation value trees if the density were to be reduced to within the acceptable limits for the zone.
- Following the advertising period and preliminary feedback from Council regarding the density of the proposed development and the potential for the retention of additional of high conservation value trees, amended plans were submitted. These plans reduced the number of units by 4 to comply with the density requirements of the Scheme and also enable the retention of an additional high conservation value tree (Tree 610).
- The amended design also reduces the extent of encroachment into the tree protection zone of Tree 656 from over 10% to almost zero encroachment. Based on the amended design it is considered that the proposed development avoids, minimises and mitigates impacts on tree of high conservation value to the extent feasible, given the zoning as General Residential and the site constraints.
- Provided the loss of twenty-four (24) high conservation value trees is offset, the proposed development is therefore considered to meet the performance criteria.

Conditions are recommended for inclusion in any permit issued requiring this offset. Conditions are also recommended for inclusion in any permit issued requiring an amended site plan and landscaping plans showing Tree 610 for retention, requiring implementation of tree protection measures during construction and requiring a Part 5 Agreement to retain and protect high conservation value trees identified for retention.

While not of high conservation value, Trees 611 and 612 are within the TPZ of Tree 610 and are capable of retention. Accordingly, it is also recommended that the conditions require retention of these trees.



Figure 4 - Part amended site plan showing protection of Significant Tree No 656.

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

The orientation of the dwellings generally follows the boundaries of the site and is greater than 30 degrees (e.g. the north east side boundary has a bearing of 135° 25' 40" i.e. approx. 45 degrees west of north).

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

- The multiple dwellings are designed so that the living areas face either north-east or north-west.
- The living areas (living and dining rooms) and kitchens are grouped together and are on open plans. This provides a large number of windows and glass doors being available to receive sunlight.

General Residential Zone**Clause 10.4.7. – Frontage fences for all dwellings****Acceptable Solution 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:

- 1.2 m if the fence is solid; or
- 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).

Performance Criteria P1

A fence (including a free-standing wall) within 4.5 m of a frontage must:

- provide for the security and privacy of residents, while allowing for mutual passive surveillance between the road and the dwelling; and
- be compatible with the height and transparency of fences in the street, taking into account the:
 - topography of the site; and
 - traffic volumes on the adjoining road.

Proposal

No front fence is included with the application. However, the Noise Impact Assessment in relation to the adjacent category 2 road (Southern Outlet) has recommended a noise barrier be constructed. It will extend 72m along the Southern Outlet boundary from the northern corner of the site to a height of 2.5m. It will also extend 45m along the side north- east boundary to a height of 2m.

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

- The acoustic fence will assist in providing for security and privacy of residents.
- Due to the height and solid nature of the acoustic fence it would not provide for passive surveillance between the road and the dwelling. However, there is no access to the Southern Outlet from the site and it is unlikely that there would be vehicles or pedestrians in the area between the fence and the actual Southern Outlet roadway. Due to the number of multiple dwellings on the site there will be a degree of surveillance of the rear yards near the fence.
- There are a number of similar acoustic fences and mounds along the Southern Outlet and other major roads in the area – e.g. Channel Highway. These fences fulfill an important role in relation to mitigation of noise for nearby habitable buildings and sensitive uses. In this context they are an acceptable element in the streetscape.
- It is likely that similar acoustic fences would be continued north as the adjacent lots develop under the Planning Scheme.
- In relation to the common side boundary with the adjoining lot (being an acquired road area of the Crown described as CT 151292/1) the acoustic fence along the side boundary complies under the Exemptions in Table 5.6 of the Planning Scheme. These allow a fence not within 4.5m of a frontage in the General Residential Zone boundary fence to be not more than 2.1m high.

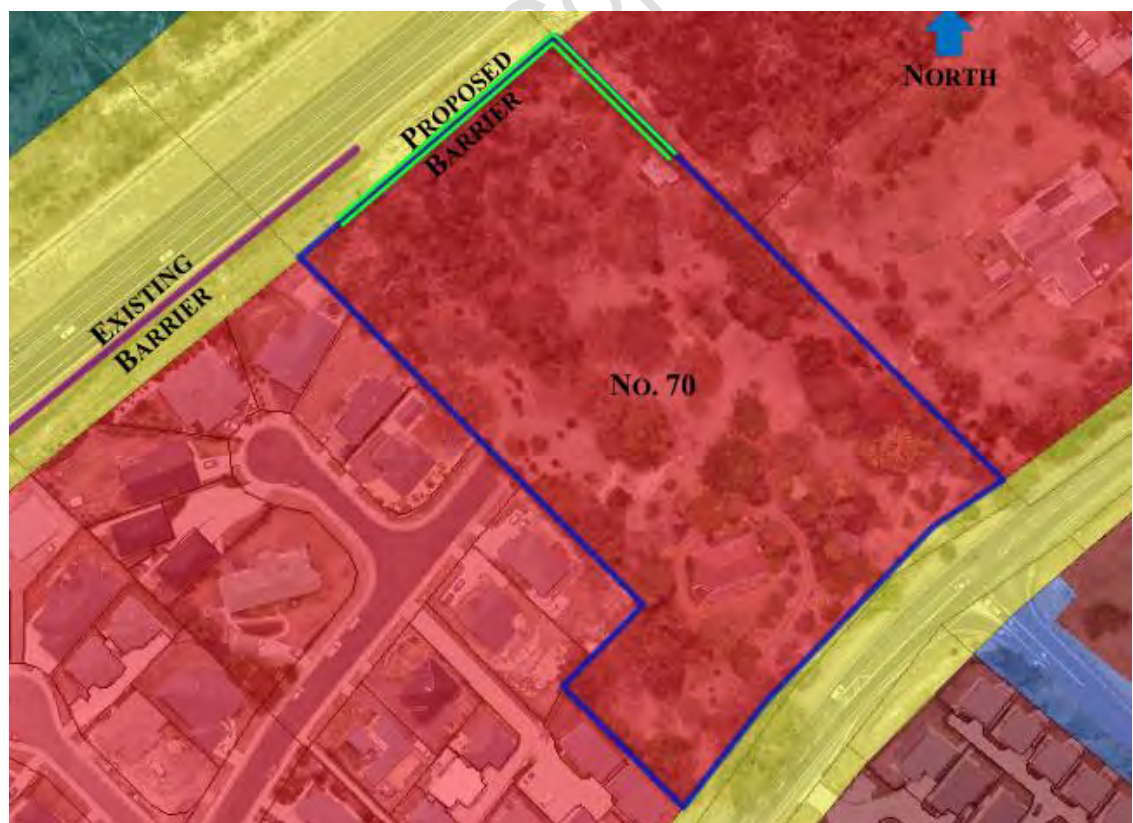


Figure 5 – Plan showing location of proposed acoustic fence.

E5.0 Road and Railway Assets Code

Clause E5 5.1

Acceptable Solution A3

The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater

Performance Criteria P3

Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:

- (a) the increase in traffic caused by the use;
- (b) the nature of the traffic generated by the use;
- (c) the nature and efficiency of the access or the junction;
- (d) the nature and category of the road;
- (e) the speed limit and traffic flow of the road;
- (f) any alternative access to a road;
- (g) the need for the use;
- (h) any traffic impact assessment; and
- (i) any written advice received from the road authority.

Proposal

The Traffic Impact Analysis (TIA) indicates that the proposed development, as submitted for the 55 units, will generate traffic movements of 275 vehicles/day and 28 vehicles/hour during peak traffic periods on Moir Road. The application has since been amended to 51 units.

Although the application has been amended by the removal of 4 units the TIA has not been amended. The assessment below is based on the 55 units as submitted. As detailed below the TIA indicates that the proposal for 55 units is safe and acceptable under the Code, therefore the 51 units will have a reduced impact.

- The TIA indicates that the development will generate traffic movements for 55 units of 275 vehicles/day and 28 vehicles/hour during peak traffic periods on Moir Road. With this additional traffic the total traffic activity on Moir Road at the Channel Highway intersection will be approximately 650 vehicles/day and 65 vehicles/hr during peak times.
- The TIA provides an intersection analysis of the traffic conflict at the Channel Highway/Moir Road intersection to Year 2030. The current traffic volumes on the Channel Highway are approximately 1400 vehicles/hour during peak times and will increase to an estimated 1700 vehicles/hour in 10 years time.
- The intersection analysis has determined all traffic movements will operate at acceptable delays (level of service A), with the exception of right turn movements from Moir Road onto Channel Highway (level of service F). This is also the current situation from the existing development on Moir Road and the same situation for all right turn movements onto Channel T intersections through Kingston.
- The additional traffic to and from Moir Road will not create any adverse operational issues on the road network based on the Code and relevant Australian Standards. The increasing traffic volume along the Channel Highway

over the next 10 years will produce longer than acceptable delays to any right turning vehicle from Moir Road, and other roads, during peak hours.

- To facilitate safe pedestrian movements across the Channel Highway and provide access to the Kingston Town Shopping Centre a standard pedestrian refuge is to be installed near the northern side of the shopping centre access. This connects to the footway along the western side of the Highway to the subject site.
- There are no other alternatives available at the moment, other than Moir Road, to provide vehicle access to the site. The Southern Outlet is a significant State Growth Category 2 road and access for all the new estates to it has been limited.
- The TIA demonstrates that the proposal is safe and does not unreasonably impact on the efficiency of the road network. In simple terms the issues facing motorists are a result of growth in the area generally and on the Channel Highway and this is a matter for consideration in relation to strategic and traffic planning between the authorities.

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

Clearance and conversion or disturbance must satisfy the following:

(a) if low priority biodiversity values:

- 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;
- impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings;

(b) if moderate priority biodiversity values:

- 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;
- impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings;
- 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;
- 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, April 2013 and Kingborough Biodiversity Offset Policy 6.10, November 2016...

Proposal

The proposal is unable to meet A1 as there is no building area on a plan of subdivision approved under this planning scheme.

Approximately 3000m² of *Eucalyptus ovata* forest and woodland (DOV) will require removal to accommodate the proposed development. This vegetation is a high priority under Table E10.1 of the planning scheme as it is listed as endangered under the Nature Conservation Act 2002. The vegetation on the site also contains potential habitat for the *Chaostola* skipper and potential foraging habitat for the endangered swift parrot, including individual trees of high conservation value located within and outside of the DOV. These habitat values are moderate priority biodiversity values under Code E10.0.

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

- buildings and works have been designed to minimise impacts on three (3) high conservation value trees;
- given the shape, configuration, location of services and access to the subject land relative to priority biodiversity values, there are limited opportunities to design the unit development to minimise impacts on remaining priority biodiversity values, including high conservation value trees, threatened species habitat and DOV;
- while all DOV within the subject land requires removal for future bushfire hazard management, and construction to a higher BAL may enable the retention of some DOV, retention of this vegetation would not result in a meaningful long-term conservation outcome as this vegetation is in poor condition and ongoing management of this narrow strip of vegetation within the property boundary is unviable;
- given the poor condition of the values, the lack of management options and the small size of the patch, special circumstances are considered to exist, and the conversion or disturbance will not substantially detract from the conservation status of the biodiversity values in the vicinity of the development, provided the impacts are adequately offset;
- residual impacts on the DOV and *Chaostola* skipper habitat are able to be offset via a financial contribution in accordance with the Guidelines for the Use of Biodiversity Offsets in the Local Planning Approval Process, Southern Tasmanian Councils Authority 2013 and Council Policy 6.10. Offset at a ratio of 6:1; and
- residual impacts on high conservation values trees located outside the DOV are able to be offset via a financial contribution in accordance with the Guidelines for the Use of Biodiversity Offsets in the Local Planning Approval Process, Southern Tasmanian Councils Authority 2013 and Council Policy 6.10. Offset at a ratio of \$250/tree of high conservation value and \$500/tree of very high conservation value.

Conditions should be included in any permit issued limiting clearing, requiring implementation of vegetation protection measures during construction and requiring payment of the financial contribution prior to the commencement of any on-site works.

As DOV is also listed as an endangered ecological community under the Environment Protection and Biodiversity Conservation Act 1999 and habitat for the swift parrot and *Chaostola* skipper is also protected under this Act, an advice clause should also be included in any permit issued recommending the proposed vegetation removal is referred to the Commonwealth for advice and assessment where required.

E24.0 Significant Trees Code**Clause E.24.6.1 Lopping, pruning, removal or destruction of significant trees**

Acceptable Solution A1
No acceptable solution (requires assessment against performance criteria)
Performance Criteria P1
<p>Works not otherwise exempt from this Code may only be approved if:</p> <p>(a) it is demonstrated that there are no feasible alternative proposal designs which could be implemented to avoid impacting on the tree and the proposed methodology of the works incorporates measures to minimise and mitigate any damage to the tree; and</p> <p>(b) there are environmental, social, economic or safety reasons of greater value to the community than the cultural significance of the tree; or</p> <p>(c) Council is satisfied that the tree is dead or dying based on written evidence from a qualified arborist, resulting in a loss of significance.</p>
Proposal
No acceptable solution and therefore the application requires assessment against the performance criteria. In this instance, as the tree is not dead or dying, is proposed for retention and there are no impacts which compromise the significance of the tree, only (a) is applicable.

There is one (1) significant tree listed on the Significant Tree Register in Table E24.1 of the Scheme (Tree Reference 2012-32). This tree is located at the front of the subject land and is proposed for retention. While the development as advertised showed an impact on this tree, amended plans submitted following advertising have removed proposed Units 12 and 13. As a consequence of this amendment, the proposed units no longer directly impact on this significant tree. Notwithstanding, a small level of encroachment is likely to occur from installation of water infrastructure and access construction. Accordingly, the proposed development requires assessment against the performance criteria.

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

- An arborist assessment submitted in response to a further information request confirms the tree is feasible for retention, providing encroachment is minor. Given the extent of encroachment is limited to a small area of disturbance on the edge of the TPZ for the installation of water infrastructure and access construction, it is considered very minor.
- Based on the amended unit design, the proposal is considered to avoid impacts from the unit development. Provided the final engineering design for the access and services incorporate the advice of a suitably qualified arborist and recommended tree protection measures are implemented during and after construction, the proposal also minimises and mitigates any minor encroachment from access and services.

2.5 Public Consultation and Representations

The proposal was advertised in accordance with statutory requirements and nineteen (19) representations were received against the proposal. The following issues were raised by the representors:

1. Issue – Traffic

A significant number of representations were received with regards to unacceptable increases in traffic and delays on Moir Road and the Channel Highway intersection.

Response

Moir Road is of sufficient width and has more than adequate capacity for the vehicle movements generated from the development in compliance with the relevant Traffic Standards.

The results of the Traffic Impact Assessment submitted with the application indicate that the additional traffic to and from Moir Road will not create any adverse operational issues on the road network. The increasing traffic on the Channel Highway will cause longer than acceptable delays for vehicles attempting to turn right during peak traffic periods. This is the result of the estimated traffic increases on the Channel Highway rather than the traffic generated from the development. The Traffic Impact Assessment comments that most drivers will plan for this situation, make a turn left and have an alternative route planned to their destination.

2. Issue - No Through Road including emergency vehicle issues

Concerns are raised at the single access from Moir Road and there being no through road connecting to other sites or to the highways particularly in relation to emergency vehicles like ambulance and fire engines.

Response

The proposal is supported by a Traffic Impact Assessment and has been assessed under the Road and Railway Assets Code and the Parking and Access Code. The design of the internal driveways and the use of Moir Road comply with the standards in the Codes.

3. Issue – Density of multiple Dwellings

The application does not demonstrate compliance with the Performance Criteria cl.10.4.1 P1 in determining compatibility with the density of the surrounding area for the proposed 4 units. The analysis provided is not considered to be an accurate qualitative or quantitative representation of the surrounding area.

Response

The application was lodged and advertised with 55 units which did not comply with the Acceptable Solution cl.10.4.1 A1 in terms of density per multiple dwelling. The proposal had a density per unit of 302m² and Acceptable Solution A1 requires 325m². In response to the issue of density raised by Council and the submissions the application has been amended to remove 4 units. The density for 51 units is now 326m²/unit and complies with cl.10.4.1 A1.

4. Issue – Car Parking

- There is not enough car parking
- The application appears to comply however the submitter has observed in two other recently approved developments in the neighbourhood that there appears to be insufficient parking for residents on site. Provision of additional car parking is desirable to improve amenity and reduce traffic and parking impacts.

Response

The application complies to the Parking and Access Code in relation to the number of car parking spaces for the 51 Units (resident plus visitor). The Council does not have the authority to require further car parking. Section 7.2 Compliance with the Planning Scheme, of the Kingborough Interim Planning Scheme 2015 states that a use or development must comply with each applicable standard in a zone, specific area plan or code. It is considered that to require more car parking than required in the Code would not pass the 'reasonable and relevant' test required for a condition of approval.

5. *Issue – Lack of Green Space*

There is no green space or parkland in the development.

Response

There is no provision in the Planning Scheme requiring multiple dwellings to provide public open space. This is a requirement of subdivision but not residential development on a lot. Each of the dwellings will have private open space and there will be some landscaped and open space area in the common areas on the strata title plan.

6. *Issue – High density is inappropriate in low density area*

The proposal creates an area of high density within an area of low density and this will lead to several problems and impact on amenity.

Response

The site and adjoining properties are zoned General Residential which allows multiple dwellings to be undertaken as a Permitted Use subject to compliance with the Development Standards in the Planning Scheme. The application was lodged for 55 units but has been amended to 51 units which complies to the density development standard in cl.10.4.1. In this regard the proposal is not consider as "high" density as it complies with the General Residential density standard.

7. *Issue – Public/Social housing may have impacts on surrounding residents and properties.*

Several submissions raised concerns with possible adverse impacts from social housing.

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.

The application has been assessed as multiple dwellings under the Planning Scheme and no special discretions have been supported due to any possible social housing use. There are therefore no conditions recommended for inclusion in any permit issued on the provision of social housing.

8. *Issue – Use of Breeza Court house for office.*

The dwelling at 6 Breeza Court is going to be used for offices associated with the proposed multiple dwellings and social housing on 70 Channel Highway.

Response

The use of 6 Breeza Court is only for the provision of infrastructure (sewer and stormwater) along its side boundary to serve No 70 Channel Highway. There is no application for a change in use from single dwelling to Business or Commercial for the purpose of offices.

9. Issue – Noise concerns

The multiple dwellings and their associated activities including traffic will generate adverse noise impacts on adjacent properties.

Response

The consideration of noise from residential use in the General Residential Zone is not a Development Standard in the Planning Scheme unless there are Attenuation Code issues arising e.g. due to proximity of noise generating industry or uses with potential to cause environmental harm. This is not the case here.

10. Issue – Impact from flooding

Concerns are raised in relation to increased flooding and impact on the adjacent property due to the development on the site.

Response

Council mapping shows parts of the site are subject to risk of flooding of 1% Annual Exceedance Probability (AEP) in 2100. Information submitted in response to a further information request confirms that the proposed finished floor levels and stormwater management comply with the Stormwater Code Clause E15.7.4 A1.

11. Issue – Removal of trees and Biodiversity layer

The site contains several large trees and is under the Biodiversity Code which places restrictions on clearing on the site.

Response

This issue has been addressed in the body of the report and in the Assessment Checklist.

12. Issue – Impacts on Adjacent property

The owner of an adjacent property has raised several concerns:

- Impact on tree root zone for a tree on their property
- Fencing issues and related stormwater issues.

Response

- The issue in relation to any impacts from construction on adjacent properties is normally a private civil matter. However, Council does assess these impacts at construction drawing approval stage and may impose conditions in relation to the protection of adjacent property or Council assets during construction.
- Fencing is controlled in the Planning Scheme where it exceeds the required height limits (side boundary over 2.1m high) otherwise it is exempt and then is a civil matter between the adjoining landowners.

- Flooding and stormwater have been addressed under the Stormwater Code and the development will be required to provide stormwater infrastructure on site in accordance with the relevant standards.

13. Issue – Rubbish collection vehicle.

There are currently problems in Moir Road and off streets with collection of rubbish by contractors. The application Planning Report states that rubbish collection vehicles can reverse on the onsite private roads, but this will not work and cause problems.

Response

The application initially proposed to have individual bins for the units. Following issues raised by Council in the Further Information Request the proposal now provides for a central collection point and not individual bins.

14. Issue – Impact on property Values.

The high density development and social housing will adversely impact on property values of adjacent land.

Response

The issue of property values is not a relevant consideration under the Development Standards of the Planning Scheme.

3. CONCLUSION

- 3.1 The proposed multiple dwellings 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.

4. RECOMMENDATION

That the Planning Authority resolves that the development application for 51 multiple dwellings and demolition of existing dwelling, including stormwater and sewer infrastructure at 70 Channel Highway and 6 Breeza Court, Kingston for All Urban Planning Pty Ltd be approved subject to the following conditions:

1. Before the approved development and/or use commences, amended plans to the satisfaction and approval of the Manager Development Services must be submitted and approved. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans Council Plan Reference P4 dated 6 August 2021 and prepared by Prime Design but modified to show Trees T610, T611 and T612 and their associated tree protection zones (TPZ) and identify these trees for retention. Specifically, the following plans require amending to show these details: the Site Plans (Drawings PD20144-03, PD20144-04 and PD20144-05) and the Site Landscaping Plans (Drawings PD20144-06 and PD20144-07).

Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with the endorsed plans.

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 development is to occur in 11 Stages in accordance with the endorsed Staging Plan (Ref: Staging Plan, Pd Prime Design, Drawing No. PD20144-02 Rev 17 dated 04/08/2021). Any changes to the staging will require the written approval of the Manager Development Services.
3. No more than fifty (50) trees with a diameter >25cm (including twenty-three (23) trees of high conservation value) and 0.3 ha of Eucalyptus ovata forest and woodland are approved for removal in accordance with the endorsed amended Landscape and Site Plans required under Condition 1.

This vegetation must not be removed prior to the issue of a Building Permit and endorsement of start of works.

No further felling, lopping, ringbarking or otherwise injuring or destroying of native vegetation or individual trees is to take place without the prior written permission of Council.

4. Prior to the permit coming into effect and the removal of any vegetation on site, the landowner must enter into a Part 5 Agreement under the Land Use Planning and Approvals Act 1993 with and to the satisfaction of Kingborough Council to retain and protect Trees T610, T611, T612 and T656. This Agreement must:
 - (a) specify that, unless otherwise approved by Council in writing:
 - (i) no felling, lopping, ringbarking or otherwise injuring or destroying of eucalypt trees with a diameter >25 cm can take place;
 - (ii) the existing soil level must not altered be around the Tree Protection Zone of the trees (including the disposal of fill, placement of materials or the scalping of the soil);
 - (iii) the Tree Protection Zone is free from the storage of fill, contaminates or other materials;
 - (iv) machinery and vehicles are excluded from accessing the Tree Protection Zone; and
 - (v) development and works, including but not limited to buildings, structures, fences, landscaping and works, are not permitted;
 - (b) specify that Council will only approve impacts on these trees, including development and works within the tree protection zone and pruning, where it can be demonstrated that, based on the advice of a suitably qualified arborist (Cert IV Arboriculture and qualified in QTR Assessment), the impacts are tolerable, the trees are capable of retention within the context of the development and works and the development and works will not compromise the long-term viability or expected life of the tree(s);
 - (c) specify that Council will only approve removal of a protected tree where:
 - (i) it can be demonstrated that, based on the advice of a suitably qualified arborist (Cert IV Arboriculture and qualified in QTR Assessment), the tree is unable to be retained because the health and viability of the trees is such that they represent a danger, irrespective of the development;
 - (ii) the written consent of the landowner has been obtained;
 - (iii) loss of the trees is offset to the satisfaction of Council; and
 - (iv) all other planning scheme and Council Policy requirements are satisfied.

- (d) include a tree plan clearly showing the location and species of the trees to be retained and protected under this condition.

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

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

5. Before the approved development commences, landscaping plans must be submitted for approval by Council's Manager Development Services.

The landscape plan must be prepared by a suitably qualified person and be at a suitable scale, and indicate the following:

- (a) outline of the proposed buildings;
- (b) proposed planting by quantity, genus, species, common name, expected mature height and plant size;
- (c) existing trees to be retained and proposed measures to be carried out for their preparation and protection during construction;
- (d) earth shaping proposals, including retaining wall(s);
- (e) fencing, paths and paving (indicating materials and surface finish); and
- (f) the proposed maintenance program.

It is recommended that the consideration be given to Council's Landscape Guidelines (Preparing a Landscape Plan), which is available on Council's website.

Once endorsed the Landscaping Plan will form part of the permit.

6. 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. Plans must be to satisfaction of the Director Engineering Services and comply with:

- Tasmanian Standard Drawings
- Austroads Standards and Australian Standards
- Australian Rainfall and Runoff Guidelines

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) Provision of vehicle access (crossovers)
 - (iv) Pavement construction

- (v) Footpath extension link to Channel Highway and pedestrian refuge as detailed within the submitted Traffic Impact Assessment.
 - (vi) Signage for visitor spaces or resident spaces if allocated
 - (vii) No parking/keep clear signage for turning bay areas
 - (viii) Wheel stops for open parking bays (as appropriate)
 - (ix) Lighting for parking and vehicle circulation roadways and pedestrian paths
 - (x) Surface treatment and stormwater drainage
- (b) Design (including supporting documentation and hydraulic calculations) of the proposed stormwater infrastructure including:
- (i) Layout details.
 - (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. The stormwater discharge rate must be restricted to the pre-development runoff rate.
 - (iii) A reticulated stormwater system sized to accommodate at least the estimated 5% AEP (Annual Exceedance Probability) flow.
 - (iv) Overland flow paths sized to accommodate the estimated 1% AEP (Annual Exceedance Probability) flow.
- (c) A Tree Plan developed in consultation with and endorsed by a suitably qualified arborist which:
- (i) identifies the location of Trees T610, T611, T612, T656 and NT4 as shown in Council Plan Reference P4 submitted on 6 August 2021 and their associated tree root protection zones (TPZ);
 - (ii) demonstrates that the engineering infrastructure and associated works are designed and located to avoid encroachment into the TPZ of T656 to the extent feasible. Where it can be demonstrated that encroachment is unavoidable, any encroachment must be minimised, mitigated and not compromise the health or viability of the tree;
 - (iii) demonstrates that the engineering infrastructure and associated works are designed and located entirely outside the TPZ of T610, T611, T612 and NT4; and
 - (iv) identifies tree protection and mitigation measures to be implemented during engineering works.

Once endorsed the plans will form part of the permit.

7. 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.
8. Due to the presence of environmental weeds, prior to the commencement of on-site works, a Weed Management Plan developed by a suitably qualified consultant and to

the satisfaction Council's Manager Development Services must be submitted. When endorsed, this plan forms part of the permit. This Plan must include:

- (a) timeframes and methods of primary and follow up treatment for all declared and environmental weeds on site; and
- (b) weed hygiene measures required to ensure the risk of the spread of weeds from the site during clearing and construction is minimised.

Primary treatment of all weeds is required in accordance with this Plan prior to commencement of on-site works and to the satisfaction of the Manager Development Services. Ongoing management of the site must be in accordance with this plan.

9. Prior to works commencing on-site, a detailed design for the acoustic barrier fencing must be submitted to Council. The design must be aesthetically pleasing and must be endorsed by a suitably qualified acoustic consultant and show the fence wholly contained within the site and not within any part of the Southern Outlet road reservation. Once endorsed, these plans will form part of the Permit.
10. The loss of 0.3 hectares of Eucalyptus ovata forest with Chaostola skipper habitat must be offset by a financial contribution totalling \$21,600 paid to Council's Environmental Fund prior to the removal of the vegetation and the commencement of works on the site. This contribution must be used solely for the protection and management of Eucalyptus ovata forest and Chaostola skipper habitat in the vicinity of Kingston/Blackmans Bay.
11. To offset the loss of thirteen (13) trees of high conservation value and three (3) trees of very high conservation value located outside the DOV, an offset of \$250-\$500/tree and totalling \$4750, must be paid into Council's Environmental Fund. This offset must be used to manage and conserve the habitat of the swift parrot in the vicinity of Kingston. This \$4750 offset must be paid prior to the removal of the vegetation and the commencement of works on the site.
12. 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 trees identified for retention in the amended plans endorsed under Condition 1 must be retained and appropriately protected during construction, including but not limited to:
 - (i) implementation of tree protection and mitigation measures identified in the endorsed engineering drawings; and
 - (ii) the installation of temporary fencing between any on-site works and adjacent native vegetation in accordance with AS 4970-2009 to exclude:
 - (a) machine excavation including trenching;
 - (b) excavation for silt fencing;
 - (c) cultivation;
 - (d) storage;
 - (e) preparation of chemicals, including preparation of cement products;
 - (f) parking of vehicles and plant;
 - (g) refuelling;
 - (h) dumping of waste;

- (i) wash down and cleaning of equipment;
- (j) placement of fill;
- (k) lighting of fires;
- (l) soil level changes;
- (m) temporary or permanent installation of utilities and signs; and
- (n) physical damage to the tree(s).

Tree protection and mitigation measures must be inspected by a suitably qualified arborist and evidence of satisfactory installation of these measures 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.
13. Plans submitted for building approval must demonstrate that the BAL construction requirements and separation distances for the units are consistent with the Bushfire Hazard Report (Enviro-dynamics, 29 March 2021, v3.0) and accompanying Bushfire Hazard Management Plan (Enviro-dynamics, 16 February 2021).
14. Prior to commencement of works, the applicant must obtain all necessary permits from the Department of State Growth. The permits will relate to the stormwater extension within Kingston Bypass reserve, and the footpath link incorporating a pedestrian refuge within the Channel Highway and traffic management approvals.
15. 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 and include the following:
- (a) 'No Parking'/'Keep Clear' signage must be installed for the turning bay;
 - (b) visitor carparking signs must be installed for the visitor carparking spaces;
 - (c) signage noting residential parking for each Unit must be installed for carparking spaces;
 - (d) wheel stops installed for parking bays;
 - (e) parking and vehicle circulation roadways and pedestrian paths must be provided with lighting;
 - (f) on-site stormwater quality treatment and detention systems must be installed;

- (g) stormwater discharge from all new impervious areas must be disposed of by gravity to Council's stormwater infrastructure; and
 - (h) permanent tree protection barriers to ensure no vehicle or machinery access from roadways to the TPZs of Trees T610, T611, T612 and T656.
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. Prior to the occupation of the dwellings:
- (a) The Acoustic barrier fencing must be installed in accordance with a design endorsed by a suitably qualified acoustic consultant and Council. The subject wall is to be wholly contained within the site and not encroach on the Southern Outlet road reservation.
 - (b) Written certification from a suitably qualified acoustic consultant must be provided to Council demonstrating that the completed and continuous acoustic barrier fence has been installed in a manner that ensures ongoing compliance with the Department of State Growth – Tasmanian State Road Traffic Noise Management Guidelines November 2011 (the Guidelines).
 - (c) The developer must enter into a Part 5 Agreement pursuant to section 71 of the Land Use and Planning Approvals Act 1993 to ensure that future owners of site are aware of their ongoing obligations regarding maintenance and retention of the acoustic barrier fence. The wording of this Part 5 Agreement must be to the satisfaction of the Manager Development Services. The applicant must arrange for the drafting of the agreement and is to cover all costs associated with the preparation and registration of the agreement with the Recorder of Titles. The Part 5 Agreement must be executed prior to the Permit coming into effect.
18. Prior to the occupation of the dwellings all the permanently fixed screen(s) as required in Clauses 10.4.6 A1 and A3 of the Development Standards of the General Residential Zone in the Kingborough Interim Planning Scheme 2015 must be installed to the satisfaction of the Manager Development Services. This will include, where windows do not achieve a sill height of 1.7m or are not obscure glazing, the following:
- Units 14, 15, 16, 17, 19, 20, 27-37, 38-42 and 52-55.
- The screens must have a minimum height of at least 1.7 m above the finished floor level of the deck with a uniform transparency of no more than 25% and must be maintained for the life of the development.
19. Prior to occupation of the new dwellings, landscaping in accordance with the endorsed plans must be provided to the satisfaction of the Council's Manager Development Services. The landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose.
20. Prior to the occupancy of the dwellings, the applicant must make provision for a private waste service agreement to enable the development to be serviced with waste and recycling collection. This agreement is to ensure these services are provided on site adjacent to the proposed garbage bay facility as indicated on the submitted plans. Council waste services will not be provided to service the development.
21. Prior to the occupation of any of the new dwellings the following works must be completed in accordance with the endorsed plans to the satisfaction of the Council:

- (a) The parking areas (including signage and access);
 - (b) The garden and landscape areas;
 - (c) Drainage works undertaken and completed;
 - (d) Letterboxes installed.
22. At least thirteen (13) visitor parking spaces must be provided for the proposed development. This visitor parking space must be appropriately signposted and kept available for visitor parking at all times. Any future application for strata title in respect of the property must ensure that the visitor parking space is included within the common property on the strata plan and be accessible through the common property from all units.
23. 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 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. An application for Notifiable Plumbing Work must be lodged with Council before commencing any work.
- D. 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.
- E. Advice on Fencing:

It is noted that the proposal does not include a frontage fence with the exception of the Acoustic Barrier to the Southern Outlet. Any front fence provided in the future, that does not meet the requirements of Table 5.6 Miscellaneous Exemptions, Clause 5.6.3 (fences within 4.5m of a frontage in the General Residential Zone or Inner Residential Zone) of the Kingborough Interim Planning Scheme 2015, must comply with Clause 10.4.7- Frontage fences for all dwellings - in the General Residential Zone.

ATTACHMENTS

1. Application Plans
2. Assessment Checklist
3. TasWater Submission to Planning Authority Notice



SITE PLAN - EXISTING
1:500

PLANNING
PANEL TO ADVISE LOCAL COUNCIL DEVELOPMENT



18 Grafton Street, Sydney, New South Wales 1588
Ph: 02 9232 2222
Fax: 02 9232 2222
www.prime-design.com.au

Project:
PROPOSED RESIDENTIAL DEVELOPMENT TO CHANNEL HIGHWAY, KIRKSTON
Client:
30 WATERWORK ROAD PTY LTD
Drawing:
SITE PLAN - EXISTING

Drawn by	Approved by
D.D.H.	
Date:	Date:
04.08.2021	1: 000
Project No:	Sheet No:
PD201644-01	57

 bda
Accredited Design Professional: Civil Engineer No. 123456



Prime
Design

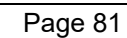
10 Gateway Center, Jersey Township, NJ
908-434-2222
140 New York Road, New York, NJ 07401
914-434-2222
http://www.harcourt.com/englehardt/englehardt.html

Project:
**PROPOSED RESIDENTIAL
DEVELOPMENT
70 CHANNEL HIGHWAY,
KNOSTON
Greenwich
38 WATERWORKS ROAD FTY LT**

Book:
STAGING PLAN

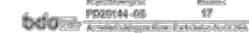
Submitter D.D.H.	Applying Apprentice
Date 04.08.2021	Time 1:500

FD-20144-02 17

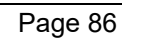














 TREE PROTECTION ZONE OF HIGH SIGNIFICANCE
 TREE LABEL

- [illegible]

CONFIDENTIAL, DANGER TO ACCEPTANCE

- **NOT** **ONLY** **THE** **QUEST** **AT** **THE** **END** **OF** **THE** **ROAD**.
- **IS** **THE** **GOAL** **OF** **THE** **QUEST** **THE** **QUEST** **AT** **THE** **END** **OF** **THE** **ROAD**.
- **THE** **QUEST** **AT** **THE** **END** **OF** **THE** **ROAD** **IS** **THE** **QUEST** **AT** **THE** **END** **OF** **THE** **ROAD**.

[illegible]

WE CAN HELP YOU WITH ANY OF THE FOLLOWING:

027035.877041.0320

PROSECUTIONS OF THE FEDERAL BUREAU OF INVESTIGATION (FBI) AND THE DEPARTMENT OF JUSTICE (DOJ) HAVE BEEN INCREASINGLY TARGETING AND PROSECUTING INDIVIDUALS WHO ARE ASSOCIATED WITH THE AMERICAN SOCIETY FOR THE DEFENSE OF RUSSIA (ASDR) AND THE RUSSIAN AMERICAN EDUCATIONAL FOUNDATION (RAEF). THE FBI HAS IDENTIFIED THE ASDR AS A "RUSSIAN INFLUENCE GROUP" AND THE DOJ HAS IDENTIFIED THE RAEF AS A "RUSSIAN INFLUENCE GROUP". THE FBI HAS IDENTIFIED THE ASDR AS A "RUSSIAN INFLUENCE GROUP" AND THE DOJ HAS IDENTIFIED THE RAEF AS A "RUSSIAN INFLUENCE GROUP".

- 2017年12月1日，中国银保监会发布《关于规范商业银行代理销售业务的通知》，自2018年1月1日起实施。该通知对商业银行代理销售业务进行了全面规范，包括销售人员的资质要求、销售过程的规范性、信息披露的要求等。

RECEIVED
GENERAL INVESTIGATIVE
DIVISION
JUL 14 1979

**GUN PATROLS GRABbing
PRISONERS TO FIGHT ANGLE LEO (PFO)**

姓名: 王明
 学号: 123456789
 性别: 男
 年龄: 25
 职业: 教师
 籍贯: 山东
 民族: 汉族
 婚姻状况: 已婚
 健康状况: 良好
 兴趣爱好: 阅读、运动、旅游
 教育程度: 本科
 工作经历: 10年
 家庭状况: 三口之家
 自我评价: 积极向上, 责任心强



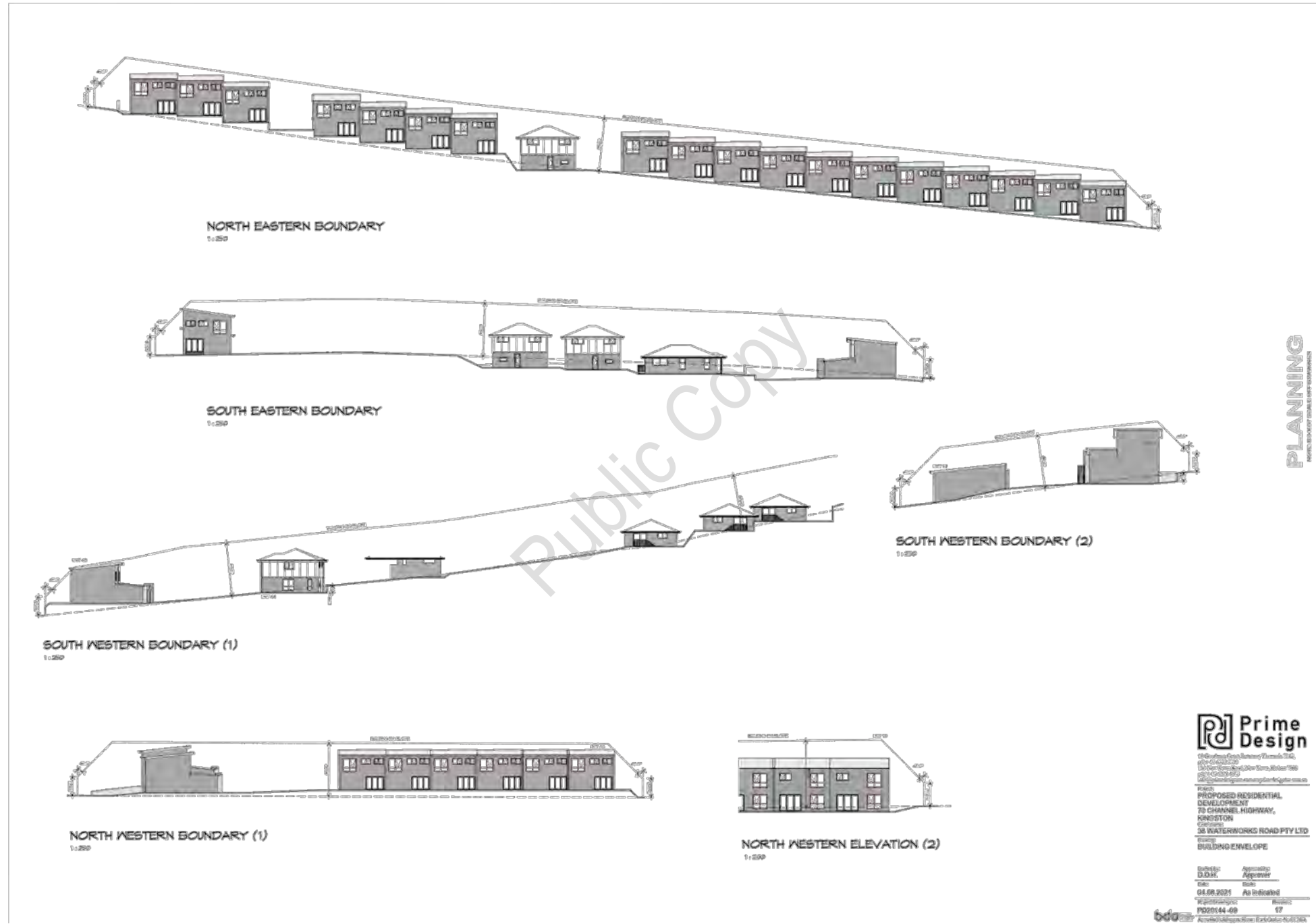
Prime
Design

10 Graham Road, Jersey Terrace T22,
 01753 454222/333
 100 New Town Road, New Town, Bolton T10
 0161 494222/333
 100-102 Church Square, Manchester M2 3BX
 0161 494222/333

PROPOSED RESIDENTIAL
DEVELOPMENT
70 CHANNEL HIGHWAY,
KINGSTON
Graham
JB WATERWORKS ROAD PTY LTD
GARY
PART SITE PLAN - HIGH
SIGNIFICANCE TPZ

Drafted by MLR	Approved by MLR	
Date 04-09-2004	Date 04-09-2004	

b6	Revised	Revised
PD0144-08	17	





PROPOSED SHADOW STUDY

PLANNING
PANEL TO ADVISE LOCAL COUNCIL ON DEVELOPMENT

SITE SHADOW DIAGRAMS 21ST JUNE @ 9AM
1:500

Prime Design
10 Gordon Road, Kinston, Kinston 340,
WV 24000, WV, USA
Tel: 01202 444 444
Email: info@primedesign.co.uk
Web: www.primedesign.co.uk

PROPOSED RESIDENTIAL
DEVELOPMENT
TO CHANNEL HIGHWAY,
KINSTON
KINSTON
DE WATERWORKS ROAD PTY LTD
SHADOW DIAGRAMS

Drawn by	Approved by
D.O.M.	Approver
Date	Date
04.08.2021	1:500
Project No.	Sheet No.
PD20144-00	07

bda
Aerial and Mapping Services, Earth Observation, GIS, BIM



SHADOW DIAGRAMS
21ST JUNE @ 12PM

SITE SHADOW DIAGRAMS 21ST JUNE @ 12PM
1:500

PLANNING
PAPER NO. 1001 SCALE 1:500

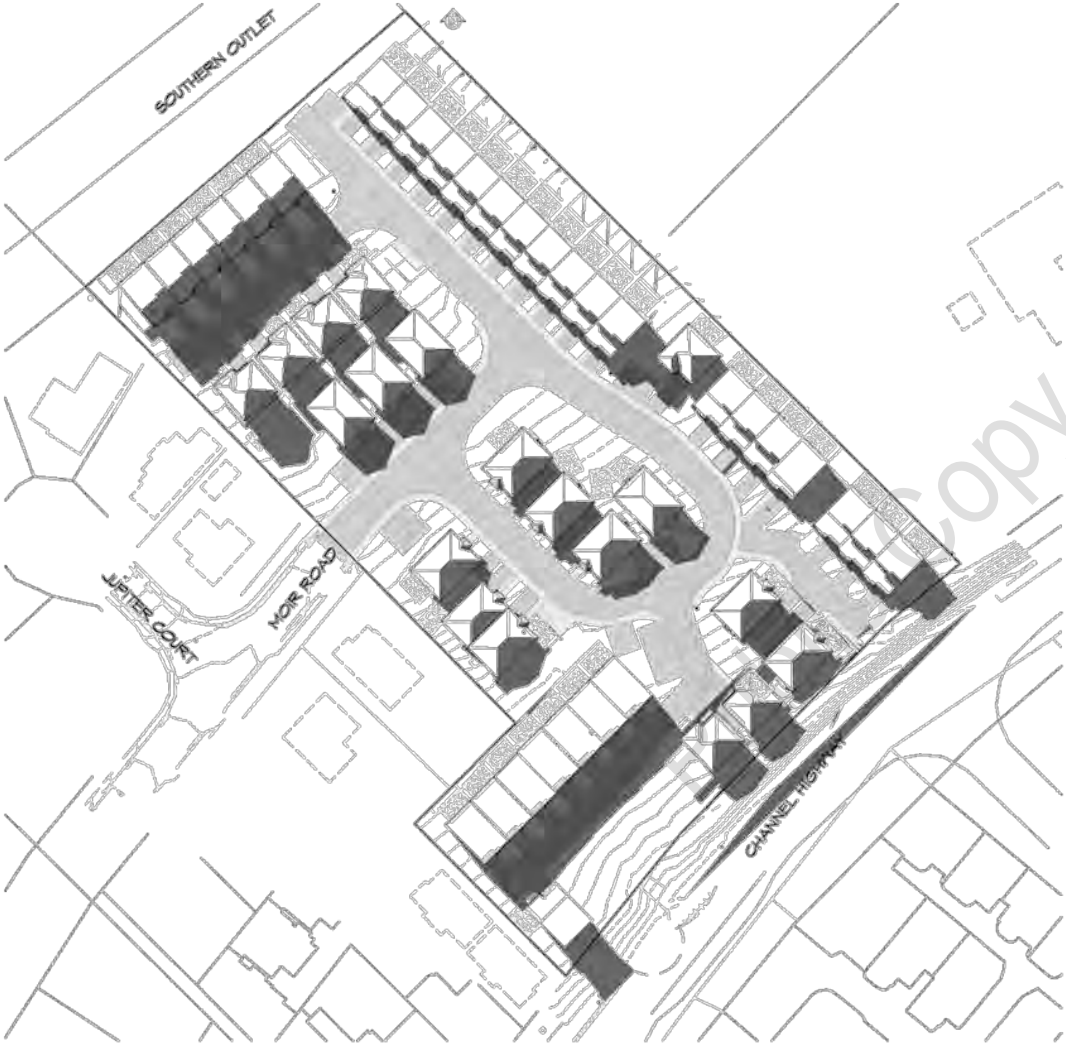


10 Gordon Road, Sydney, New South Wales 1580
PO Box 1000, Sydney, New South Wales 1580
02 9550 1000
www.prime-design.com.au
Project:
PROPOSED RESIDENTIAL
DEVELOPMENT
TO CHANNEL HIGHWAY,
KINOSTON
Client:
DE WATERWORKS ROAD PTY LTD
Drawing:
SHADOW DIAGRAMS

Drawn by	Approved by
D.M.H.	
Date:	Date:
04.08.2021	1:500

Project:
PD20144-01
Sheet:
57

bda
Aerial and Mapping Services, Earth Observation, GIS, BIM



SITE SHADOW DIAGRAMS 21ST JUNE @ 3PM
1:5000

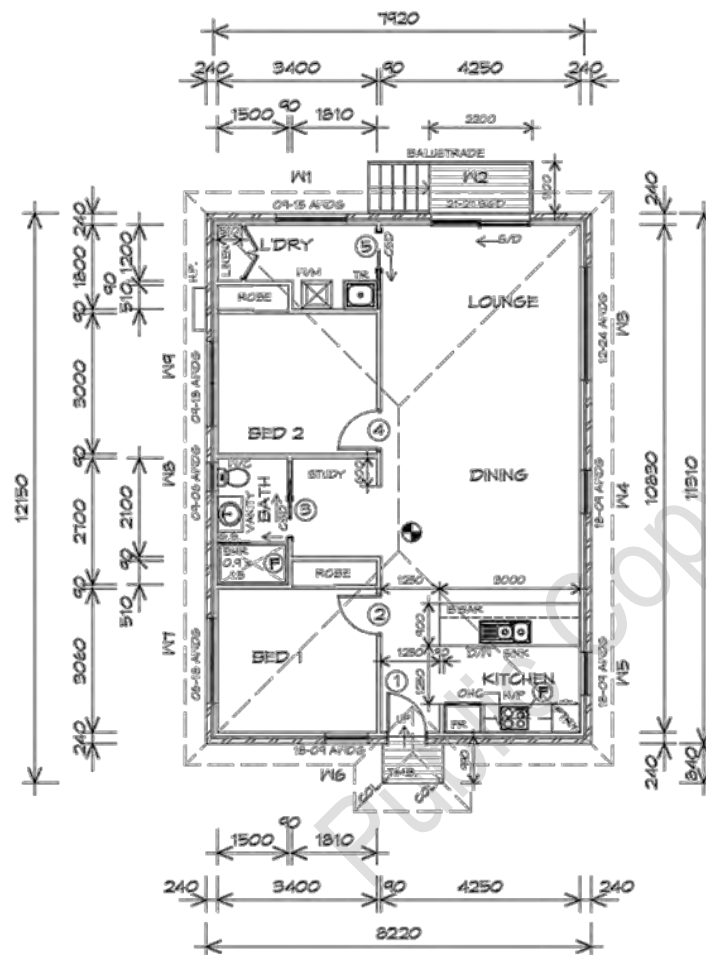


PLANNING
PANEL 10/10/2021 SCALE 1:5000



10 Gordon Street, Sydney, New South Wales 1580
02 9550 1234
info@primedesign.com.au
www.primedesign.com.au
Project:
PROPOSED RESIDENTIAL
DEVELOPMENT
TO CHANNEL HIGHWAY,
KINOSTON
Contract:
20 WATERWORKS ROAD PTY LTD
Drawing:
SHADOW DIAGRAMS

Drawn by	Approved by
D.O.M.	[Signature]
Date:	Date:
04.08.2021	1:5000
Project:	Project:
PD20144-02	17



FLOOR PLAN

1:100

FLOOR AREA	92.37	m ²	(9.93 SQUARES)
PORCH AREA	1.24	m ²	(0.13 SQUARES)
TOTAL AREA	93.61		10.07

NOTE:
FLOOR AREAS INCLUDE TO EXTERNAL FACE OF BUILDING AND GARAGE, UNLESS OTHERWISE STATED. DECKS AND OUTDOOR AREAS ARE CALCULATED SEPARATELY.

LEGEND

- ⊕ EXHAUST FAN-VENT TO OUTSIDE AIR.
- ⊕ 240V SMOKE ALARM
- S/D SLIDING DOOR
- ⊕ FLOOR WASTE
- COL 90x90 FT T.P. COLUMN
- G.S. GLASS SCREEN
- HWC HOT WATER CYLINDER
- D.S. 2/MSP10 DOUBLE STUD AS PER ENGINEERS SPEC

HANDRAIL
HANDRAIL REQUIRED TO AT LEAST ONE SIDE OF RAMP OR STAIRWAY IF HEIGHT MORE THAN 1m TO COMPLY NCC 2019 PART 3.9.2

SMOKE ALARMS

- ALL ALARMS TO BE INTERCONNECTED WHERE MORE THAN ONE ALARM IS INSTALLED.
- TO BE INTERCONNECTED BETWEEN FLOORS WHERE APPLICABLE.
- SMOKE ALARMS TO BE LOCATED ON ALL FLOORS IN ACCORDANCE WITH NCC 2019 PART 3.7.5.2

NOTE:
WHERE LIGHT WEIGHT CLADDING IS USED DIMENSIONS ARE TO FRAME ONLY AND DO NOT INCLUDE LIGHT WEIGHT CLADDING

STAIRS

No RISERS	RISER HT	TREAD DEPTH
6	185	260

GOING NON SLIP TO COMPLY NCC 2019

THIS PROJECT HAS BEEN DETERMINED TO HAVE A BUSHFIRE ATTACK LEVEL (BAL) OF - 29 REFER TO ASSESSMENT FOR FURTHER DETAILS. ALL CONSTRUCTION MUST COMPLY WITH 3959.

TYPE 1



10 Goodman Court, Invermay Tasmania 7248,
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

Project:
PROPOSED RESIDENTIAL DEVELOPMENT
70 CHANNEL HIGHWAY,
KINGSTON

Client name:
CUNIC HOMES

Drafted by: D.D.H. Approved by: F.G.G.

Drawing:
FLOOR PLAN

Date: 05-01-2021 Scale: 1:100

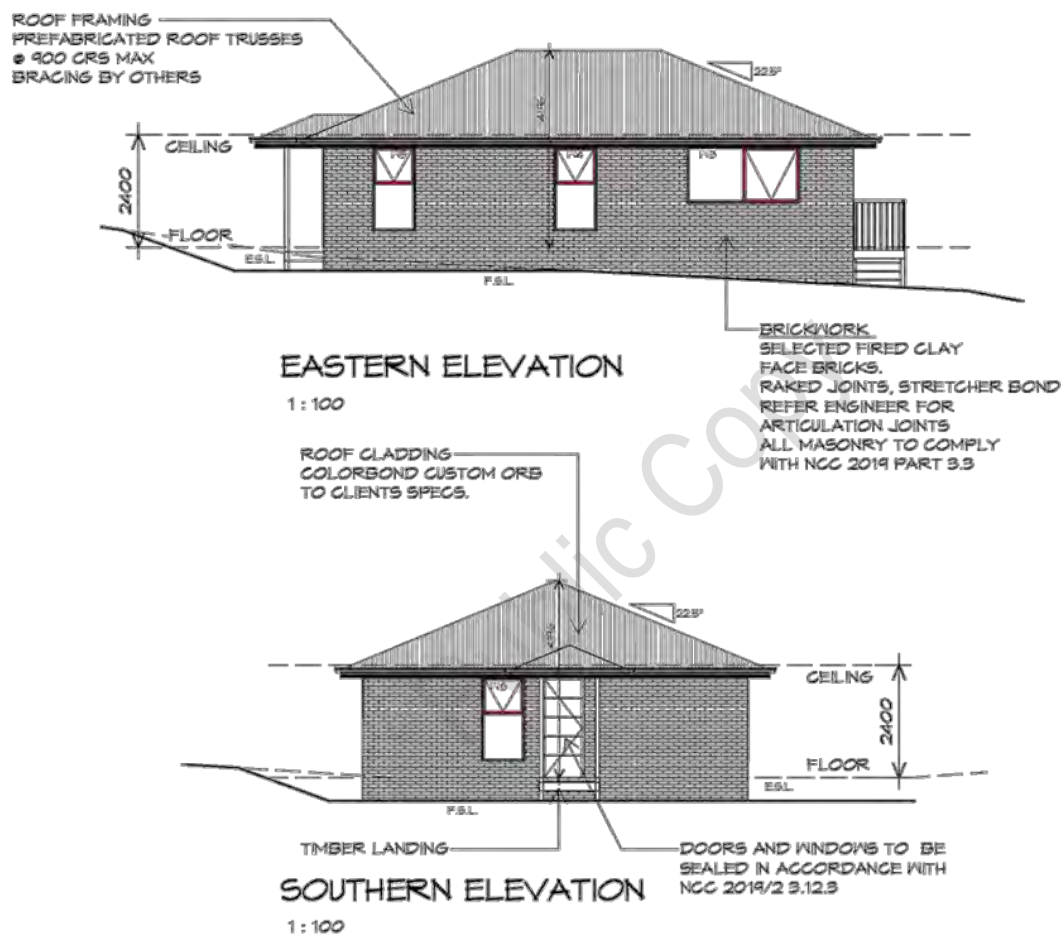
Project/Drawing no: PD20144 P01-01 Revision: 02

Accredited building practitioner: Frank Geskus - No CC246A

PLANNING

NOTE: DO NOT SCALE OFF DRAWINGS





PLANNING
NOTE: DO NOT SCALE OFF DRAWINGS



Prime Design
10 Goodman Court, Invermay Tasmania 7248,
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160 New Town Road, New Town, Hobart 7008
p(t)+ 03 6228 4575
info@primedesigntas.com.au primedesigntas.com.au

Project:
PROPOSED RESIDENTIAL
DEVELOPMENT
70 CHANNEL HIGHWAY,
KINGSTON

Client name:
CUNIC HOMES

Drafted by:
D.D.H.

Approved by:
F.G.G.

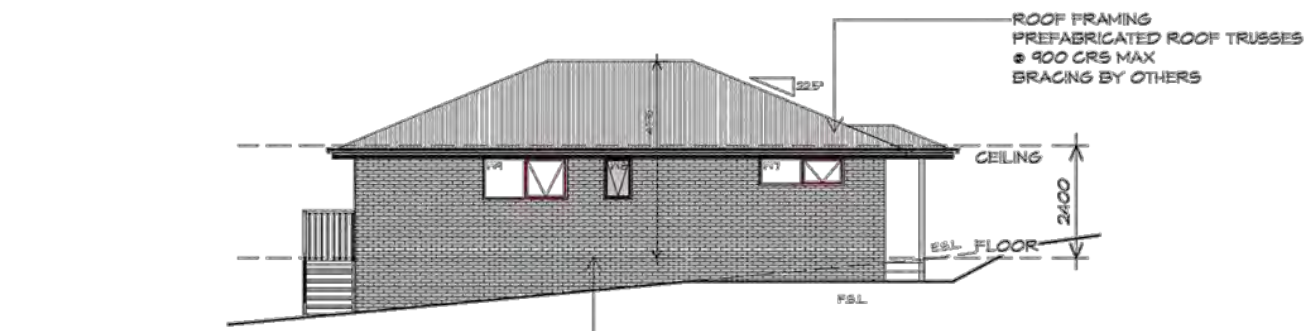
Drawing:
ELEVATIONS

Date: 05-01-2021
Scale: 1:100

Project/Drawing no: PD20144 P01-03
Revision: 02

Accredited building practitioner: Frank Gekus - No CC246A

TYPE 1



WESTERN ELEVATION

1 : 100

BRICKWORK
SELECTED FIRED CLAY
FACE BRICKS.
RAKED JOINTS, STRETCHER BOND
REFER ENGINEER FOR
ARTICULATION JOINTS
ALL MASONRY TO COMPLY
WITH NCC 2019 PART 9.3

ROOF CLADDING
COLORBOND CUSTOM ORB
TO CLIENTS SPECS.

DOORS AND WINDOWS TO BE
SEALED IN ACCORDANCE WITH
NCC 2019/2 3.12.3

NORTHERN ELEVATION

1 : 100



TIMBER LANDING

PLANNING
NOTE: DO NOT SCALE OFF DRAWINGS



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info@primedesigntas.com.au primedesigntas.com.au

Project:
PROPOSED RESIDENTIAL
DEVELOPMENT
70 CHANNEL HIGHWAY,
KINGSTON

Client name:
CUNIC HOMES

Drafted by:
D.D.H.

Approved by:
F.G.G.

Drawing:
ELEVATIONS

Date: 05-01-2021
Scale: 1 : 100

Project/Drawing no: PD20144 P01-04
Revision: 02

Accredited building practitioner: Frank Gekus - No CC248A

TYPE 1



- (F) EXHAUST FAN-VENT TO OUTSIDE AIR.
- ⊕ 240V SMOKE ALARM
- GSD CAVITY SLIDING DOOR
- S/D SLIDING DOOR
- ⊙ FW FLOOR WASTE
- S/L SIDELIGHT
- COL COLUMN
- G.S. GLASS SCREEN

PLANNING
NOTE: DO NOT SCALE OFF DRAWINGS

1 : 100

FIRST FLOOR AREA	72.75	m ²	(7.82	SQUARES)
GROUND FLOOR AREA	53.84	m ²	(5.79	SQUARES)
GARAGE AREA	22.12	m ²	(2.38	SQUARES)
TOTAL AREA	148.71		15.99	

NOTE:
FLOOR AREAS INCLUDE TO EXTERNAL FACE OF
BUILDING AND GARAGE, UNLESS OTHERWISE STATED.
DECKS AND OUTDOOR AREAS ARE CALCULATED
SEPARATELY.



TYPE 6a



10 Goodman Court, Invermay Tasmania 7248,
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160 New Town Road, New Town, Hobart 7006
p(h)+ 03 6228 4575
info@primedesigntas.com.au primedesigntas.com.au

Project:
**PROPOSED RESIDENTIAL
DEVELOPMENT
70 CHANNEL HIGHWAY,
KINGSTON**
Client name:
CUNIC HOMES

Drawing:
GROUND FLOOR PLAN

Drafted by: **D.D.H.** Approved by: **Approver**

Date: 05-01-2021 Scale: 1 : 100

Project/Drawing no:	Revision:
PD20144 -P06a-01	03

Accredited building practitioner: Frank Gekus - No CC246A



1:100

NOTE:
FLOOR AREAS INCLUDE TO EXTERNAL FACE OF
BUILDING AND GARAGE, UNLESS OTHERWISE STATED.
DECKS AND OUTDOOR AREAS ARE CALCULATED
SEPARATELY.

TYPE 6a



10 Goodman Court, Invermay Tasmania 7248,
p(j)+ 03 6332 3790
160 New Town Road, New Town, Hobart 7006
p(h)+ 03 6228 4575
info@primedesigns.com.au primedesigns.com.au

Project:
**PROPOSED RESIDENTIAL
DEVELOPMENT
70 CHANNEL HIGHWAY,
KINGSTON**
Client name:
CUNIC HOMES

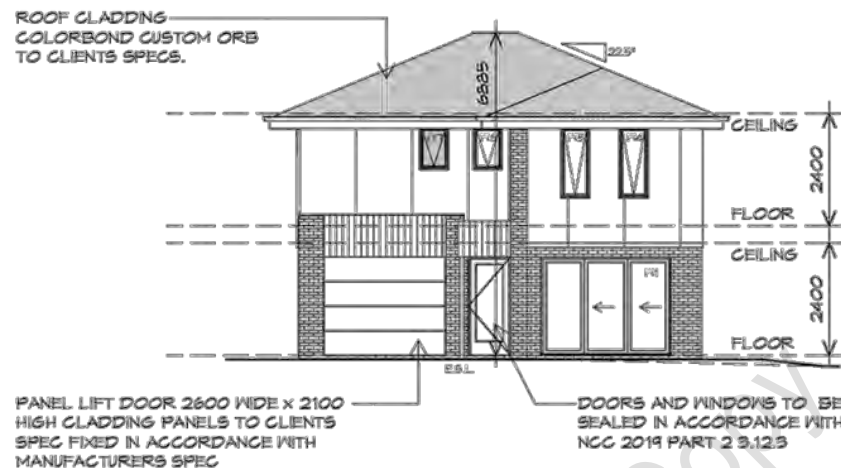
Drawing:
FIRST FLOOR PLAN

Drafted by: **D.D.H.** Approved by: **Approver**

Date: 05-01-2021 Scale: 1 : 100

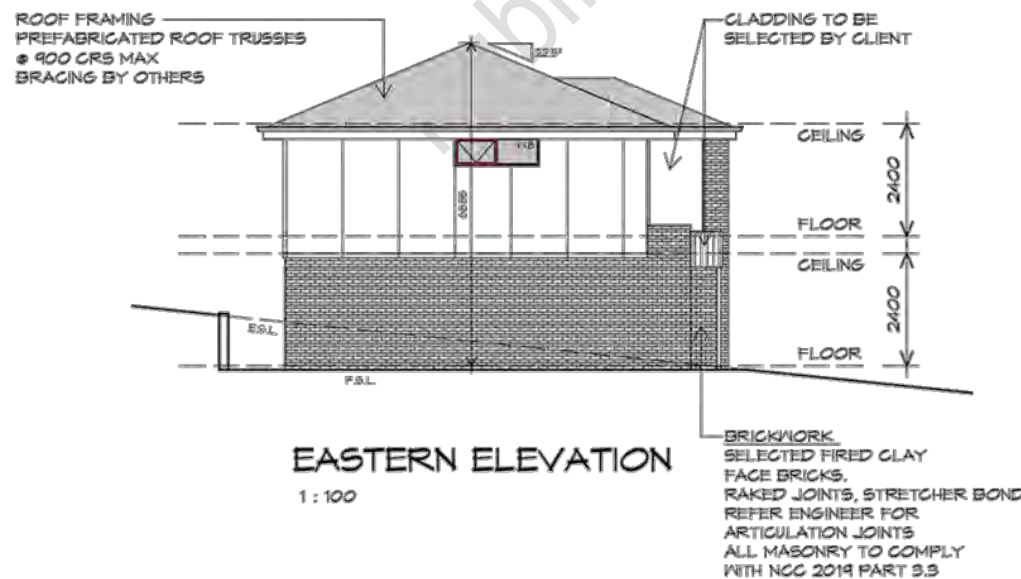
Project/Drawing no:	Revision:
PD20144 -P06a-02	03

Accredited building practitioner: Frank Gekus - No CC246A



NORTHERN ELEVATION

1:100



EASTERN ELEVATION

1:100



TYPE 6a

PLANNING

NOTE: DO NOT SCALE OFF DRAWINGS



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Project:
**PROPOSED RESIDENTIAL
DEVELOPMENT
70 CHANNEL HIGHWAY,
KINGSTON**
Client name:
CUNIC HOMES

Drawing:
ELEVATIONS

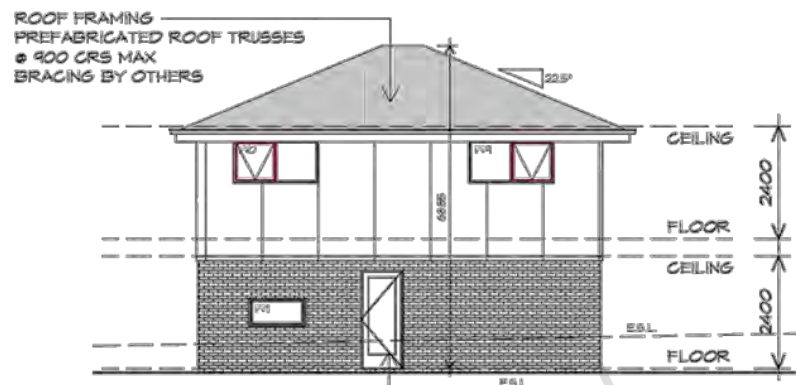
Drafted by: D.D.H. Approved by: Approver

Date: 05-01-2021 Scale: 1:100

Project/Drawing no: PD20144 -P06a-04 Revision: 03

Accredited building practitioner: Frank Gekus -No CC246A



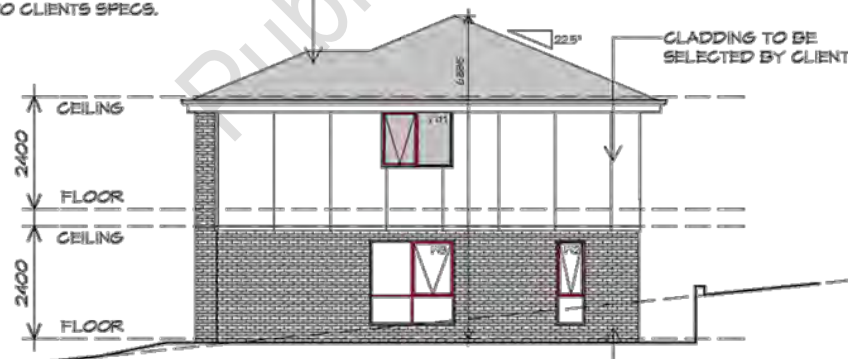


DOORS AND WINDOWS TO BE SEALED IN ACCORDANCE WITH NCC 2019 PART 2.3.12.3

SOUTHERN ELEVATION

1 : 100

ROOF CLADDING: COLORBOND CUSTOM ORB TO CLIENTS SPECS.



WESTERN ELEVATION

1 : 100

BRICKWORK: SELECTED FIRED CLAY FACE BRICKS. RAKED JOINTS, STRETCHER BOND. REFER ENGINEER FOR ARTICULATION JOINTS. ALL MASONRY TO COMPLY WITH NCC 2019 PART 3.3



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Project:
PROPOSED RESIDENTIAL DEVELOPMENT
70 CHANNEL HIGHWAY,
KINGSTON
Client name:
CUNIC HOMES

Drawing:
ELEVATIONS

Drafted by: D.D.H. Approved by: Approver

Date: 05-01-2021 Scale: 1 : 100

Project/Drawing no: PD20144 -P06a-05 Revision: 03

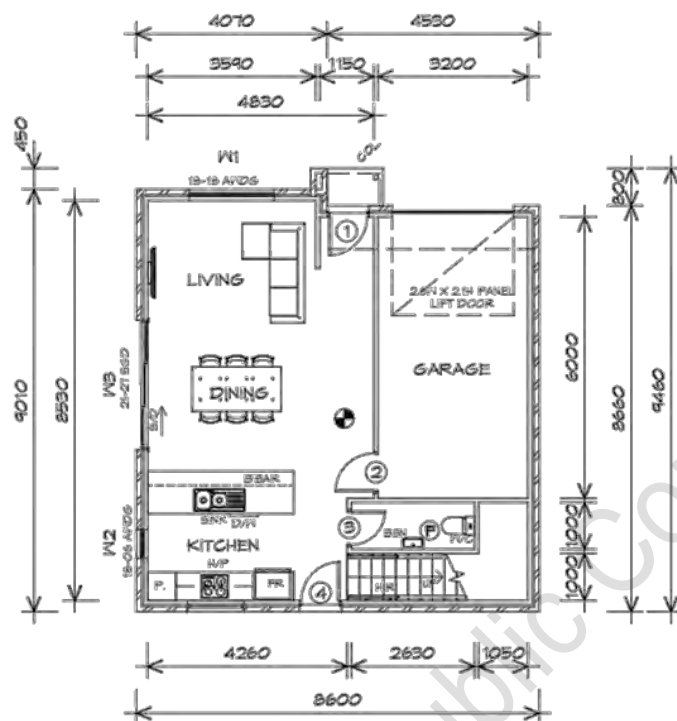
Accredited building practitioner: Frank Gekus -No CC246A



TYPE 6a

PLANNING

NOTE: DO NOT SCALE OFF DRAWINGS



GROUND FLOOR PLAN

1 : 100

FIRST FLOOR AREA	72.75	m2	(7.82	SQUARES)
GROUND FLOOR AREA	53.84	m2	(5.79	SQUARES)
GARAGE AREA	22.12	m2	(2.38	SQUARES)
TOTAL AREA	148.71		15.99	

NOTE:
FLOOR AREAS INCLUDE TO EXTERNAL FACE OF BUILDING AND GARAGE, UNLESS OTHERWISE STATED. DECKS AND OUTDOOR AREAS ARE CALCULATED SEPARATELY.

LEGEND

- Ⓟ EXHAUST FAN-VENT TO OUTSIDE AIR.
- Ⓢ 240V SMOKE ALARM
- Ⓢ/D CAVITY SLIDING DOOR
- Ⓢ/D SLIDING DOOR
- Ⓢ/W FLOOR WASTE
- Ⓢ/L SIDELIGHT
- Ⓢ/C COLUMN
- Ⓢ/S GLASS SCREEN

PLANNING
NOTE: DO NOT SCALE OFF DRAWINGS



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p(t)+ 03 6332 3790
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p(h)+ 03 6228 4575
info@primedesigntas.com.au primedesigntas.com.au

Project:
PROPOSED RESIDENTIAL DEVELOPMENT
70 CHANNEL HIGHWAY, KINGSTON
Client name:
CUNIC HOMES

Drawing:
GROUND FLOOR PLAN

Drafted by: D.D.H. Approved by: Approver

Date: 05-01-2021 Scale: 1 : 100

Project/Drawing no: PD20144 -P06b-01 Revision: 03

Accredited building practitioner: Frank Geskus -No CC246A



TYPE 6b



1:100

NOTE:
FLOOR AREAS INCLUDE TO EXTERNAL FACE OF
BUILDING AND GARAGE, UNLESS OTHERWISE STATED.
DECKS AND OUTDOOR AREAS ARE CALCULATED
SEPARATELY.

TYPE 6b



**Prime
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Project:
**PROPOSED RESIDENTIAL
DEVELOPMENT
70 CHANNEL HIGHWAY,
KINGSTON**
Client name:
CUNIC HOMES

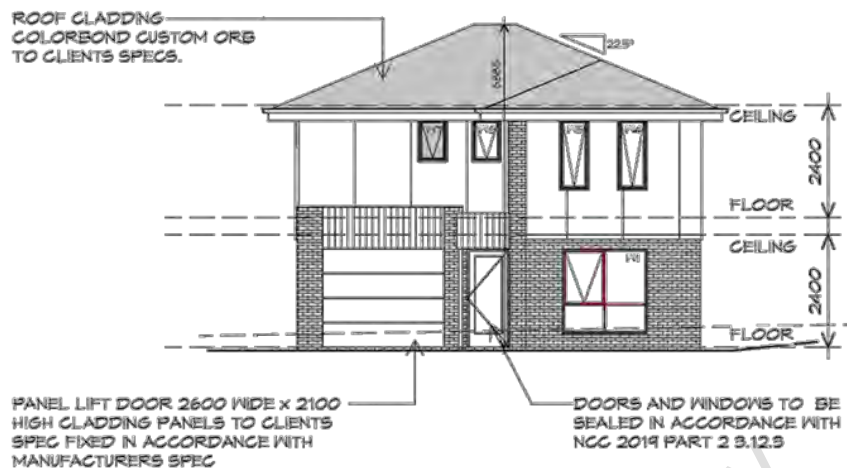
Drawing:
FIRST FLOOR PLAN

Drafted by: **D.D.H.** Approved by: **Approver**

Date: 05-01-2021 Scale: 1 : 100

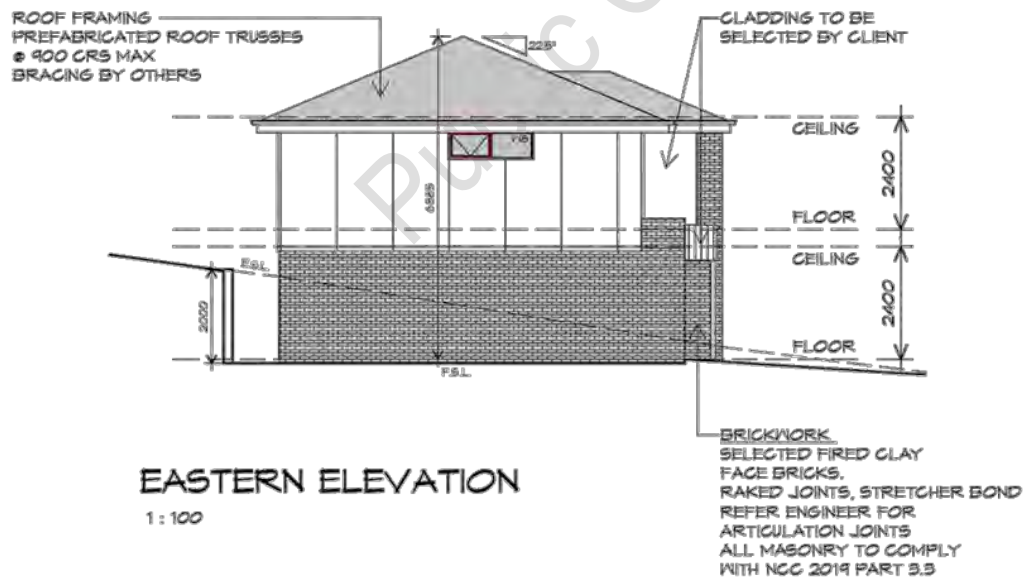
Project/Drawing no:	Revision:
PD20144 -P06b-02	03

Accredited building practitioner: Frank Gekus - No CC246A



NORTHERN ELEVATION

1:100



EASTERN ELEVATION

1:100



TYPE 6b

PLANNING
NOTE: DO NOT SCALE OFF DRAWINGS



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

Project:
PROPOSED RESIDENTIAL
DEVELOPMENT
70 CHANNEL HIGHWAY,
KINGSTON
Client name:
CUNIC HOMES

Drawing:
ELEVATIONS

Drafted by: D.D.H. Approved by: Approver

Date: 05-01-2021 Scale: 1:100

Project/Drawing no: PD20144 -P06b-04 Revision: 03

Accredited building practitioner: Frank Gekus -No CC246A





SOUTHERN ELEVATION

1 : 100



WESTERN ELEVATION

1 : 100

PLANNING

NOTE: DO NOT SCALE OFF DRAWINGS



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Project:
**PROPOSED RESIDENTIAL
DEVELOPMENT
70 CHANNEL HIGHWAY,
KINGSTON**
Client name:
CUNIC HOMES

Drawing:
ELEVATIONS

Drafted by: D.D.H. Approved by: Approver

Date: 05-01-2021 Scale: 1 : 100

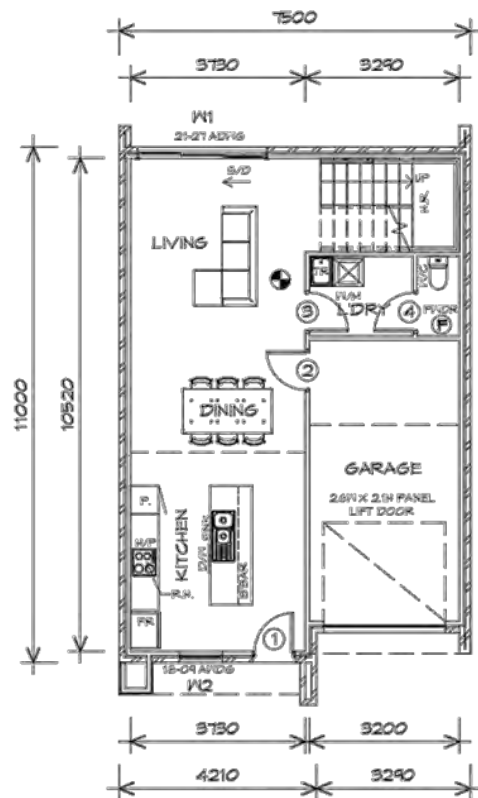
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Accredited building practitioner: Frank Gekus -No CC246A



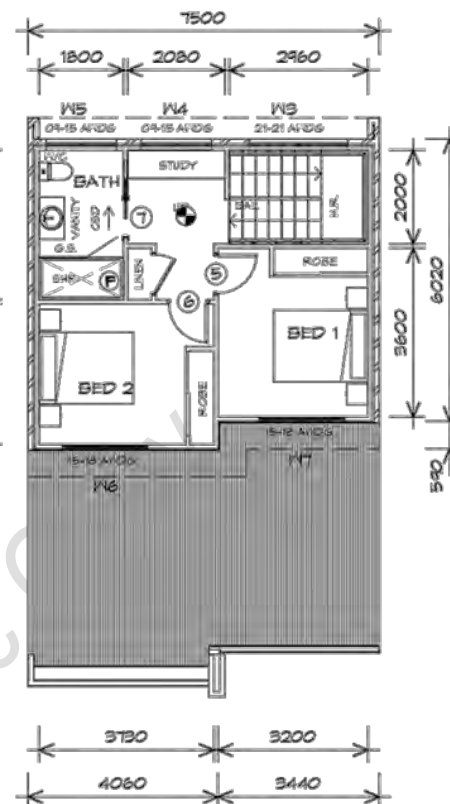
TYPE 6b





GROUND FLOOR PLAN

1:100



FIRST FLOOR PLAN

1:100

FIRST FLOOR AREA	47.82	m ²	(5.14	SQUARES)
GROUND FLOOR AREA	58.51	m ²	(6.29	SQUARES)
GARAGE AREA	21.90	m ²	(2.36	SQUARES)
TOTAL AREA	128.24		13.79	

NOTE:
FLOOR AREAS INCLUDE TO EXTERNAL FACE OF BUILDING AND GARAGE, UNLESS OTHERWISE STATED. DECKS AND OUTDOOR AREAS ARE CALCULATED SEPARATELY.

LEGEND

- (F) EXHAUST FAN-VENT TO OUTSIDE AIR.
- (S) 240V SMOKE ALARM
- CSL CAVITY SLIDING DOOR
- S/D SLIDING DOOR
- S/L SIDELIGHT
- COL COLUMN
- G.S. GLASS SCREEN

PLANNING

NOTE: DO NOT SCALE OFF DRAWINGS



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160 New Town Road, New Town, Hobart 7008
p(l)+ 03 6228 4575
info@primedesign.com.au primedesign.com.au

Project:
PROPOSED RESIDENTIAL DEVELOPMENT
70 CHANNEL HIGHWAY,
KINGSTON
Client name:
CUNIC HOMES

Drawing:
FLOOR PLAN

Drafted by:
D.D.H.

Approved by:
Approver

Date:
05-01-2021

Scale:
1:100

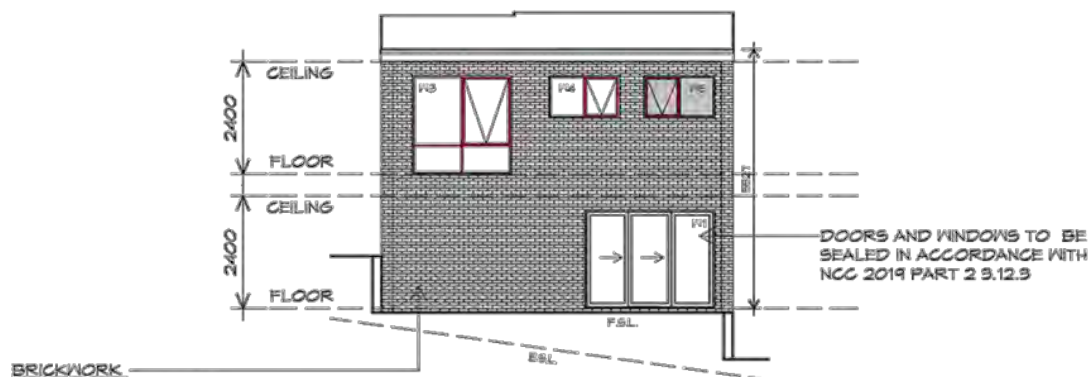
Project/Drawing no:
PD20144 -P07-01

Revision:
03

Accredited building practitioner: Frank Geskus -No CC246A



TYPE 7

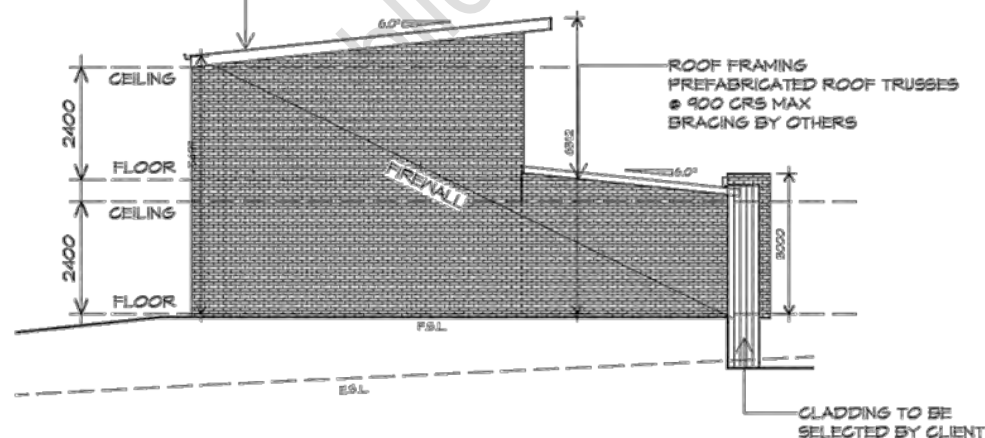


BRICKWORK
SELECTED FIRED CLAY
FACE BRICKS.
RAKED JOINTS, STRETCHER BOND
REFER ENGINEER FOR
ARTICULATION JOINTS
ALL MASONRY TO COMPLY
WITH NCC 2019 PART 9.3

NORTH EASTERN ELEVATION

1:100

ROOF CLADDING
COLORBOND CUSTOM ORB
TO CLIENTS SPECS.



ROOF FRAMING
PREFABRICATED ROOF TRUSSES
@ 900 CRS MAX
BRACING BY OTHERS

NORTH WESTERN ELEVATION

1:100

CLADDING TO BE
SELECTED BY CLIENT

PLANNING

NOTE: DO NOT SCALE OFF DRAWINGS



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160 New Town Road, New Town, Hobart 7008
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Project:
PROPOSED RESIDENTIAL
DEVELOPMENT
70 CHANNEL HIGHWAY,
KINGSTON
Client name:
CUNIC HOMES

Drawing:
ELEVATIONS

Drafted by:
D.D.H.

Approved by:
Approver

Date:

Scale:

05-01-2021

1:100

Project/Drawing no:

Revision:

PD20144 -P07-03

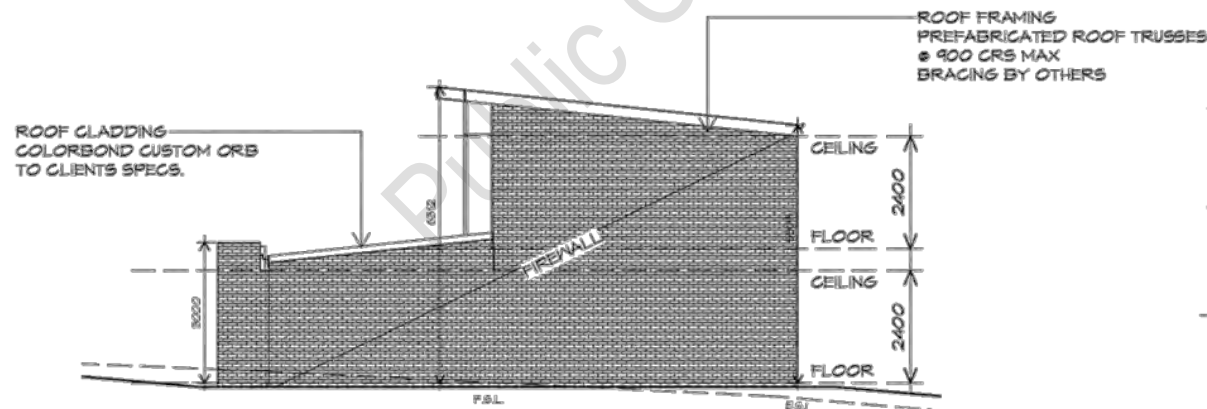
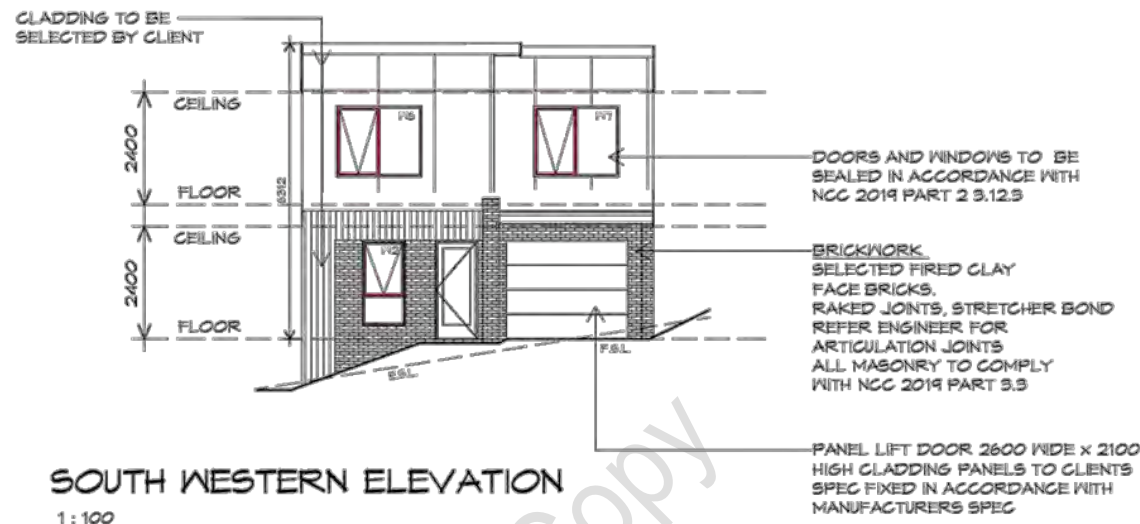
03

Accredited building practitioner: Frank Geskus -No CC246A



TYPE 7





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

Project:
**PROPOSED RESIDENTIAL
DEVELOPMENT
70 CHANNEL HIGHWAY,
KINGSTON**
Client name:
CUNIC HOMES

Drawing:
ELEVATIONS

Drafted by:
D.D.H. Approved by:
Approver

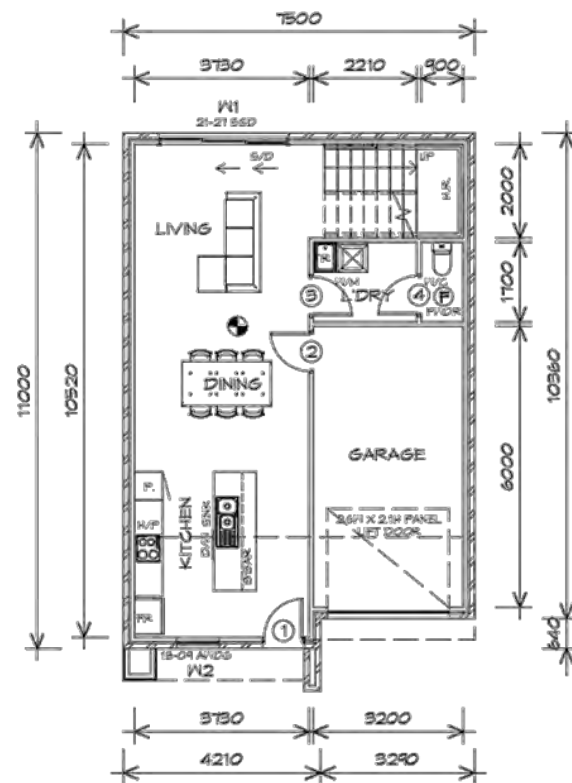
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05-01-2021 Scale:
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Project/Drawing no:
PD20144 -P07-04 Revision:
03

Accredited building practitioner: Frank Geskus -No CC248A

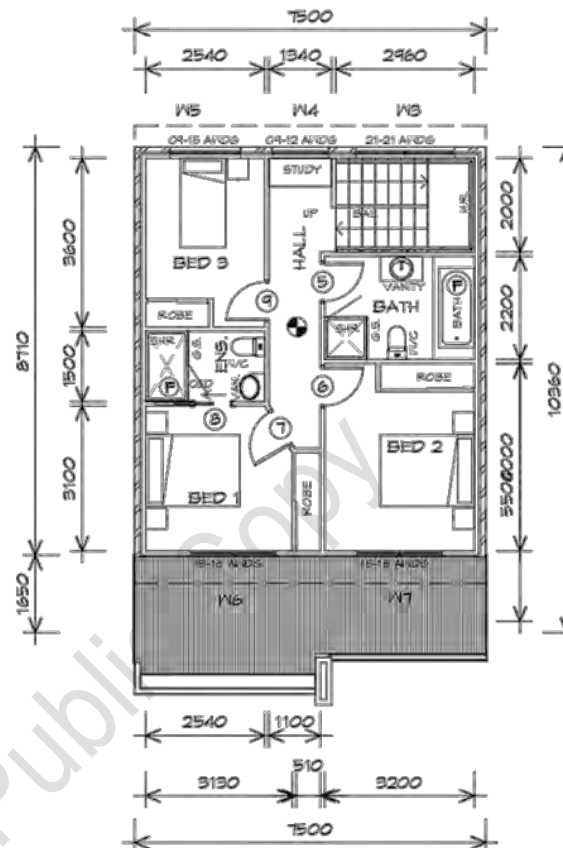


TYPE 7



GROUND FLOOR PLAN

1:100



FIRST FLOOR PLAN

1:100

FIRST FLOOR AREA	71.24	m ²	(7.66	SQUARES)
GROUND FLOOR AREA	58.51	m ²	(6.29	SQUARES)
GARAGE AREA	21.90	m ²	(2.36	SQUARES)
TOTAL AREA	151.66		16.31	

NOTE:
FLOOR AREAS INCLUDE TO EXTERNAL FACE OF BUILDING AND GARAGE, UNLESS OTHERWISE STATED. DECKS AND OUTDOOR AREAS ARE CALCULATED SEPARATELY.

LEGEND

- (P) EXHAUST FAN-VENT TO OUTSIDE AIR.
- (S) 240V SMOKE ALARM
- CSD CAVITY SLIDING DOOR
- S/D SLIDING DOOR
- G.S. GLASS SCREEN

PLANNING
NOTE: DO NOT SCALE OFF DRAWINGS



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

Project:
PROPOSED RESIDENTIAL
DEVELOPMENT
70 CHANNEL HIGHWAY,
KINGSTON
Client name:
CUNIC HOMES

Drawing:
FLOOR PLAN

Drafted by: D.D.H. Approved by: Approver

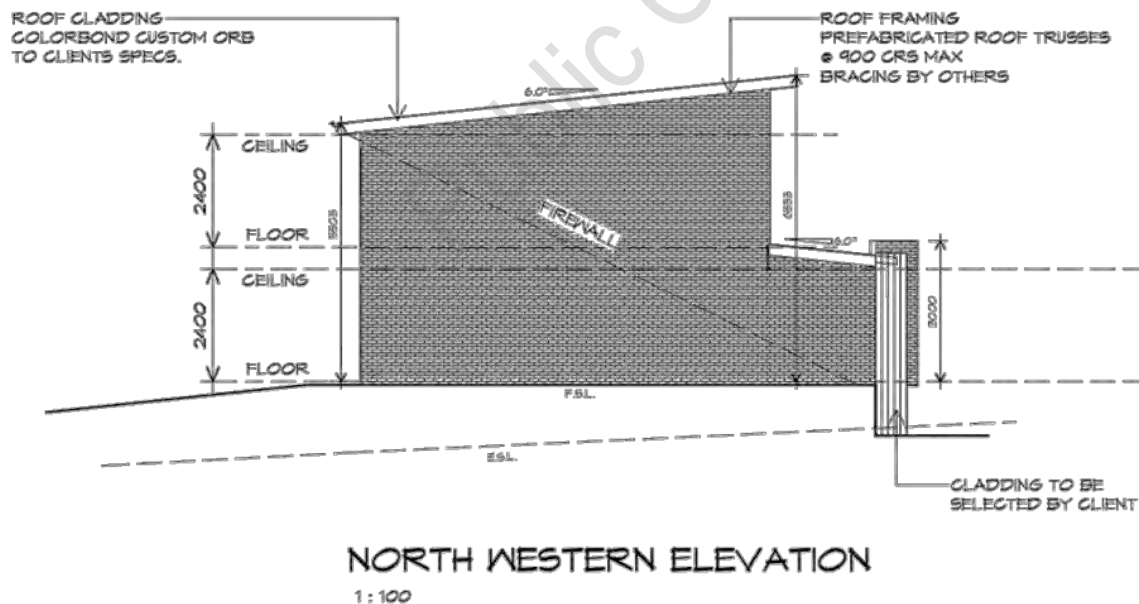
Date: 05-01-2021 Scale: 1:100

Project/Drawing no: PD20144 -P08-01 Revision: 03

Accredited building practitioner: Frank Geskus -No CC246A



TYPE 8



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

Project:
PROPOSED RESIDENTIAL
DEVELOPMENT
70 CHANNEL HIGHWAY,
KINGSTON
Client name:
CUNIC HOMES

Drawing:
ELEVATIONS

Drafted by:
D.D.H.

Approved by:
Approver

Date:
05-01-2021

Scale:
1:100

Project/Drawing no:
PD20144 -P08-03

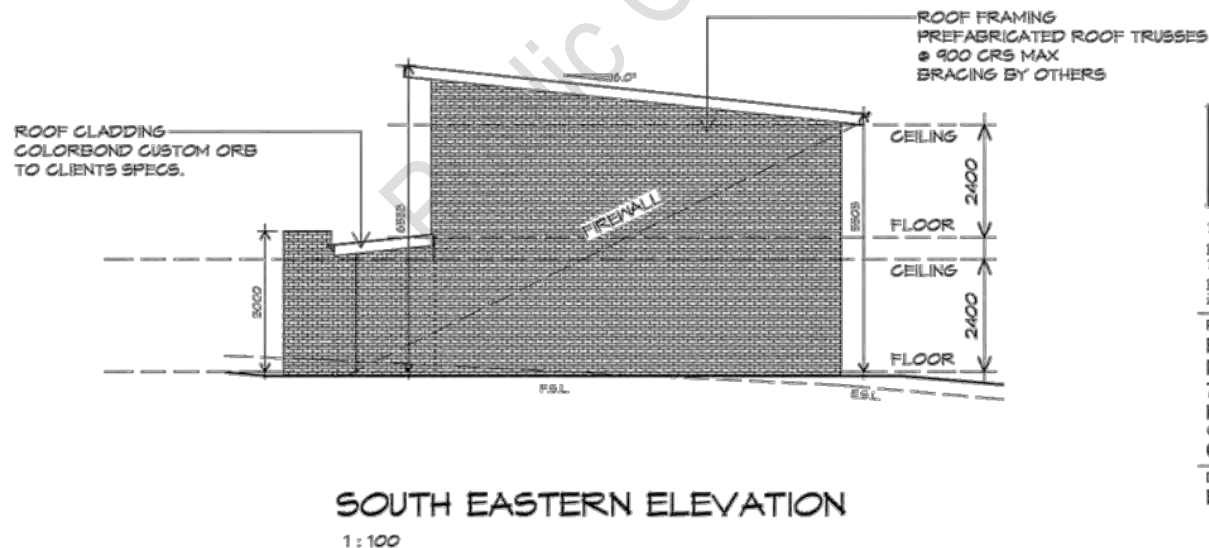
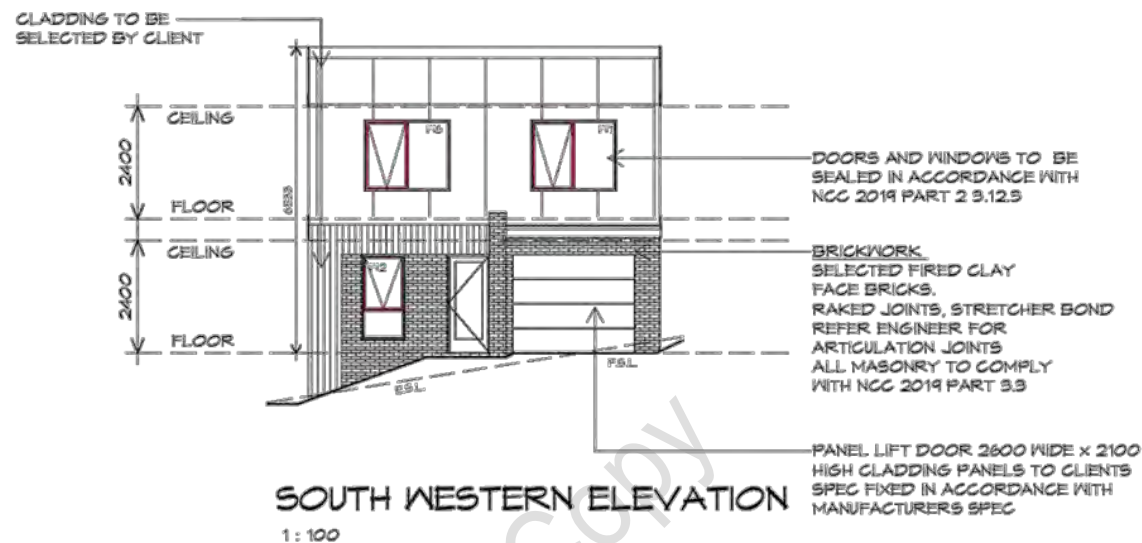
Revision:
03

Accredited building practitioner: Frank Geskus -No CC246A



TYPE 8





PLANNING

NOTE: DO NOT SCALE OFF DRAWINGS



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p(l)+ 03 6332 3790
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info@primedesigntas.com.au primedesigntas.com.au

Project:
**PROPOSED RESIDENTIAL
DEVELOPMENT
70 CHANNEL HIGHWAY,
KINGSTON**
Client name:
CUNIC HOMES

Drawing:
ELEVATIONS

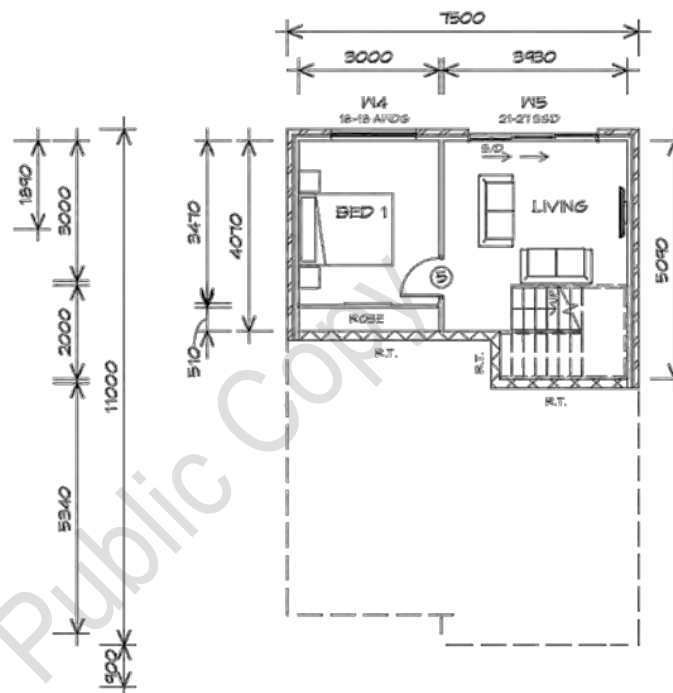
Drafted by:
D.D.H. Approved by:
Approver

Date:
05-01-2021 Scale:
1:100

Project/Drawing no:
PD20144 -P08-04 Revision:
03

Accredited building practitioner: Frank Geskus -No CC248A






LOWER GROUND FLOOR

1 : 100

FLOOR AREA	58.51	m2	(6.29	SQUARES)
GARAGE AREA	21.90	m2	(2.36	SQUARES)
LOWER FLOOR AREA	36.96	m2	(3.97	SQUARES)
TOTAL AREA	117.38		12.62	

FLOOR AREAS INCLUDE TO EXTERNAL FACE OF BUILDING AND GARAGE, UNLESS OTHERWISE STATED. DECKS AND OUTDOOR AREAS ARE CALCULATED SEPARATELY.

- (F) EXHAUST FAN-VENT TO OUTSIDE AIR.
 240V SMOKE ALARM
 GSD CAVITY SLIDING DOOR
 SD SLIDING DOOR
 SL SIDELIGHT
 COL COLUMN
 GS GLASS SCREEN
 RT RETAINING WALL

PLANNING
NOTE: DO NOT SCALE OFF DRAWINGS



**Prime
Design**

10 Goodman Court, Invermay Tasmania 7248,
p(h)+ 03 6332 3790
160 New Town Road, New Town, Hobart 7006
p(h)+ 03 6228 4575
info@primedesigns.com.au primedesigns.com.au

Project:
**PROPOSED RESIDENTIAL
DEVELOPMENT
70 CHANNEL HIGHWAY,
KINGSTON**
Client name:
CUNIC HOMES

Drawing:
FLOOR PLAN

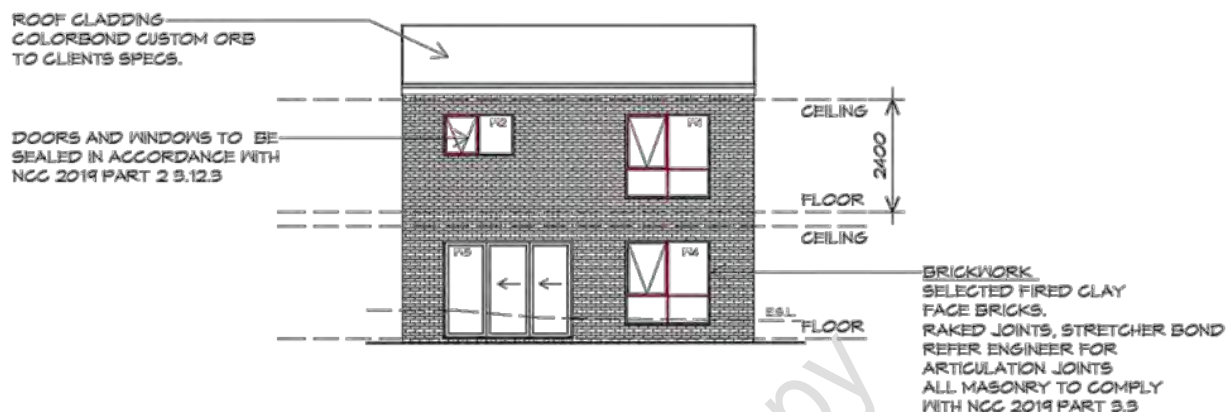
Drafted by: **D.D.H.** Approved by: **Approver**

Date: 05.01.2021 Scale: 1 : 100

Project/Drawing no:	Revision:
PD20144 -P09-01	02

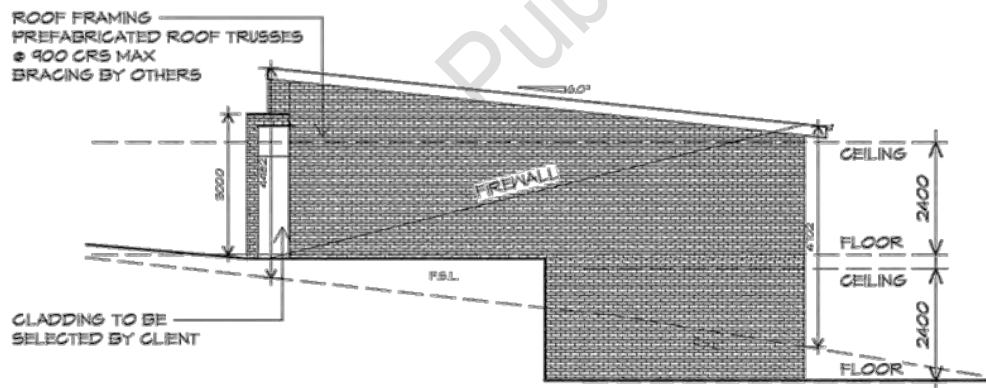
Accredited building practitioner: Frank Geskus-No CC246A





NORTH WESTERN ELEVATION

1 : 100



NORTH EASTERN ELEVATION

1 : 100



TYPE 9

PLANNING

NOTE: DO NOT SCALE OFF DRAWINGS



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

Project:
PROPOSED RESIDENTIAL
DEVELOPMENT
70 CHANNEL HIGHWAY,
KINGSTON
Client name:
CUNIC HOMES

Drawing:
ELEVATIONS

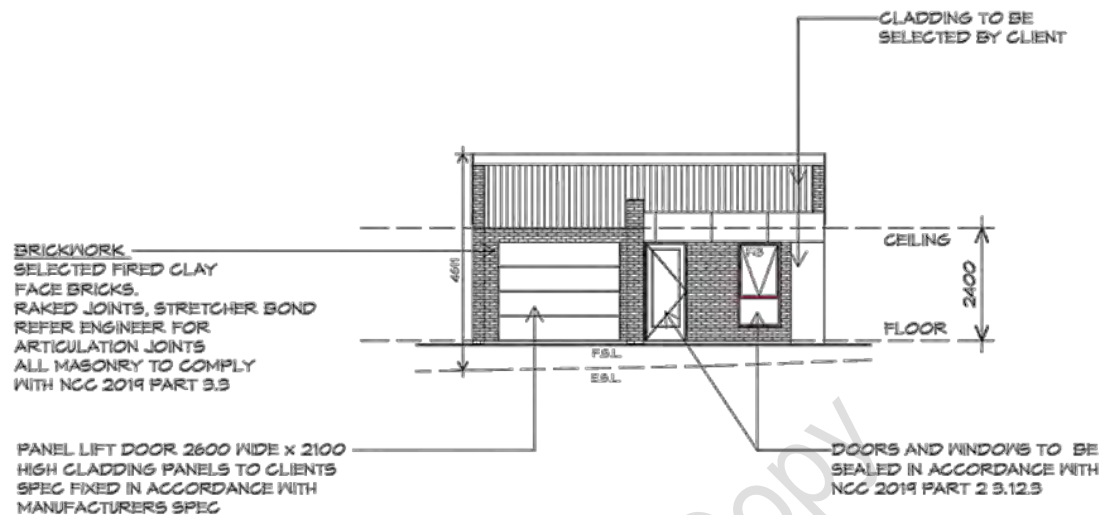
Drafted by: D.D.H. Approved by: Approver

Date: 05.01.2021 Scale: 1 : 100

Project/Drawing no: PD20144 -P09-03 Revision: 02

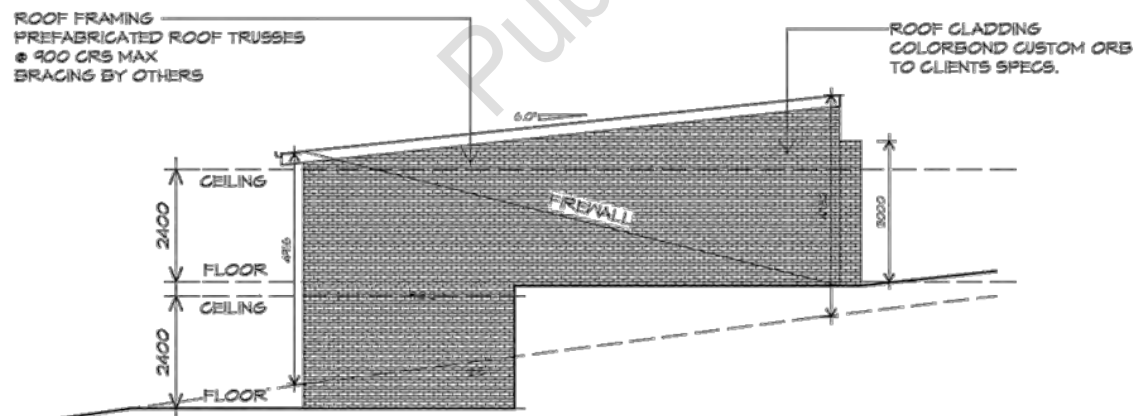


Accredited building practitioner: Frank Geskus -No CC248A



SOUTH EASTERN ELEVATION

1 : 100



SOUTH WESTERN ELEVATION

1 : 100



TYPE 9

PLANNING

NOTE: DO NOT SCALE OFF DRAWINGS



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Project:
**PROPOSED RESIDENTIAL
DEVELOPMENT
70 CHANNEL HIGHWAY,
KINGSTON**
Client name:
CUNIC HOMES

Drawing:
ELEVATIONS

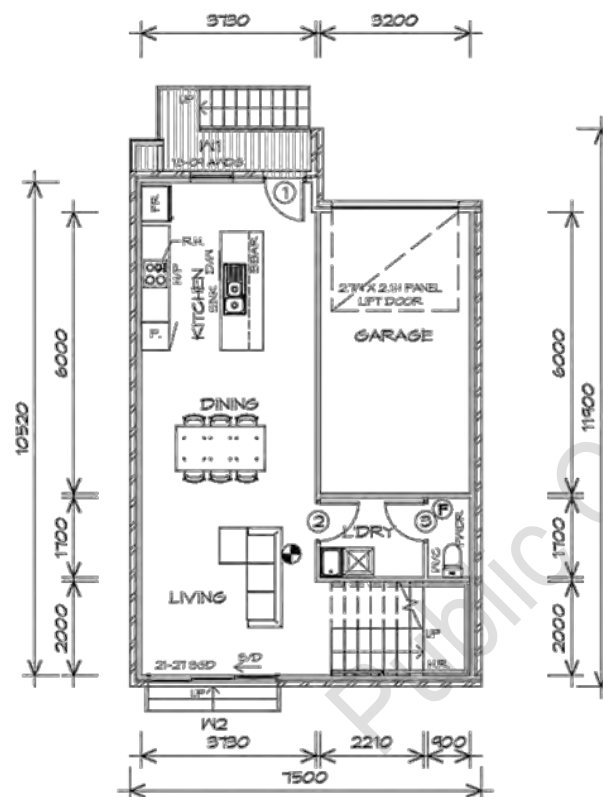
Drafted by:
D.D.H. Approved by:
Approver

Date:
05.01.2021 Scale:
1 : 100

Project/Drawing no:
PD20144 -P09-04 Revision:
02

Accredited building practitioner: Frank Geskus -No CC246A





GROUND FLOOR PLAN

1:100

FIRST FLOOR AREA	47.82	m ²	(5.14	SQUARES)
GARAGE AREA	20.75	m ²	(2.23	SQUARES)
GROUND FLOOR AREA	55.21	m ²	(5.94	SQUARES)
TOTAL AREA	129.11		19.31	

NOTE:

FLOOR AREAS INCLUDE TO EXTERNAL FACE OF BUILDING AND GARAGE, UNLESS OTHERWISE STATED. DECKS AND OUTDOOR AREAS ARE CALCULATED SEPARATELY.

LEGEND

- Ⓟ EXHAUST FAN-VENT TO OUTSIDE AIR.
- Ⓢ 240V SMOKE ALARM
- Ⓢ CAVITY SLIDING DOOR
- Ⓢ SLIDING DOOR
- Ⓢ SIDELIGHT
- Ⓢ COLUMN
- Ⓢ GLASS SCREEN

PLANNING

NOTE: DO NOT SCALE OFF DRAWINGS



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Project:
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70 CHANNEL HIGHWAY,
KINGSTON**
Client name:
CUNIC HOMES

Drawing:
GROUND FLOOR PLAN

Drafted by: D.D.H. Approved by: Approver

Date: 04.08.2021 Scale: 1:100

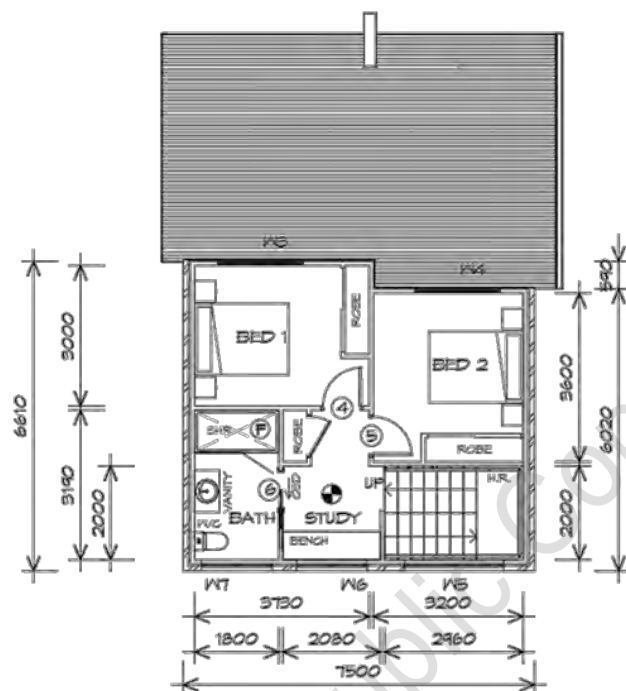
Project/Drawing no: PD20144 -U11-01 Revision: 01

Accredited building practitioner: Frank Geskus - No CC248A



U11





FIRST FLOOR AREA	47.82	m ²	(5.14	SQUARES)
GARAGE AREA	20.75	m ²	(2.23	SQUARES)
GROUND FLOOR AREA	55.21	m ²	(5.94	SQUARES)
TOTAL AREA	129.77		13.31	

NOTE:
FLOOR AREAS INCLUDE TO EXTERNAL FACE OF BUILDING AND GARAGE, UNLESS OTHERWISE STATED. DECKS AND OUTDOOR AREAS ARE CALCULATED SEPARATELY.

LEGEND

- Ⓢ EXHAUST FAN-VENT TO OUTSIDE AIR.
- Ⓢ 240V SMOKE ALARM
- Ⓢ CAVITY SLIDING DOOR
- Ⓢ SLIDING DOOR
- Ⓢ SIDELIGHT
- Ⓢ COLUMN
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PLANNING

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Project:
PROPOSED RESIDENTIAL DEVELOPMENT
70 CHANNEL HIGHWAY, KINGSTON
Client name:
CUNIC HOMES

Drawing:
FIRST FLOOR PLAN

Drafted by: Author
Approved by: Approver

Date: 04.08.2021
Scale: 1 : 100

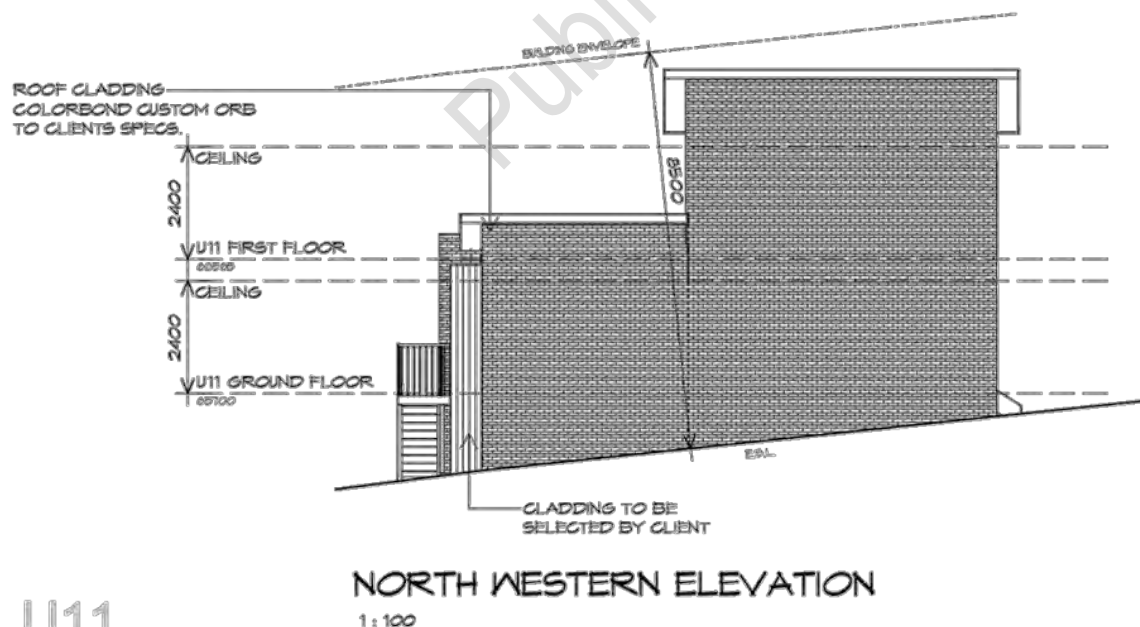
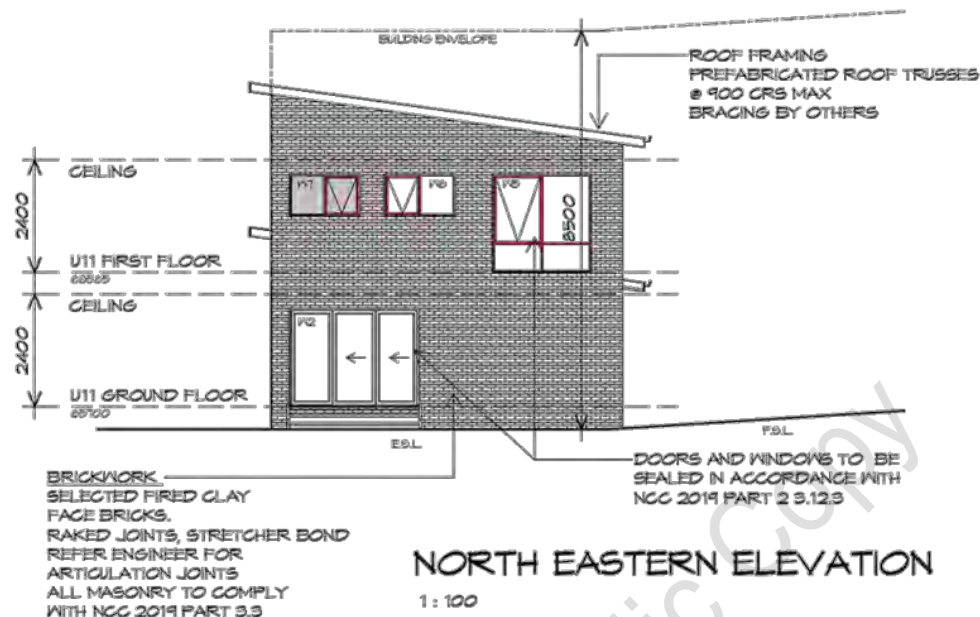
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Revision: 01

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Drawing:
ELEVATIONS

Drafted by:
D.D.H.

Approved by:
Approver

Date:

Scale:

04.08.2021

1 : 100

Project/Drawing no:

Revision:

PD20144 -U11-04

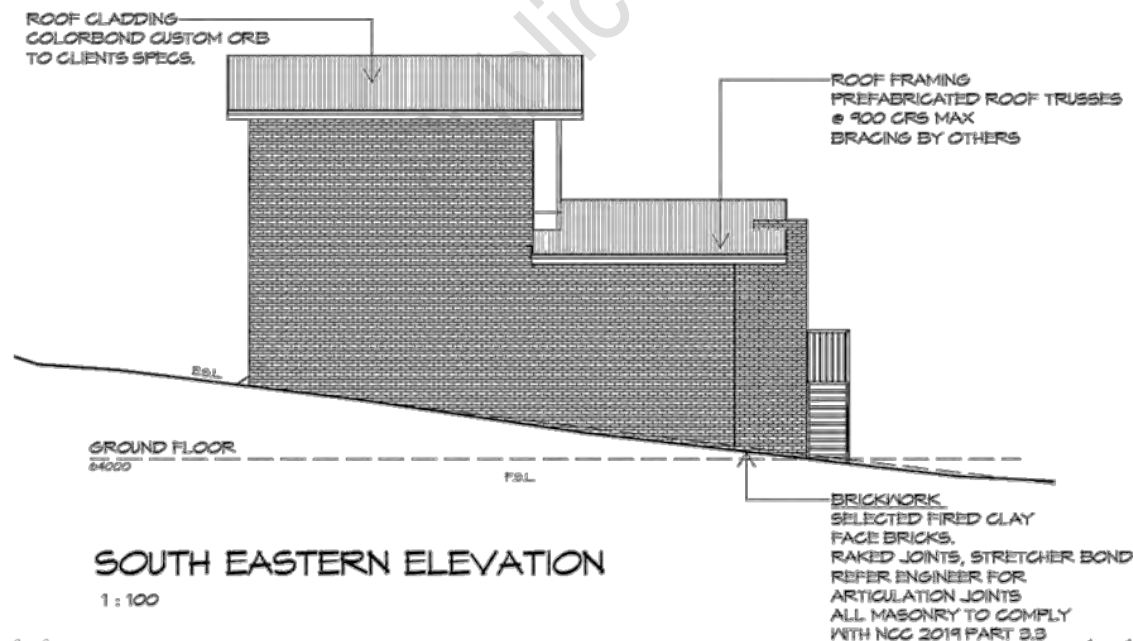
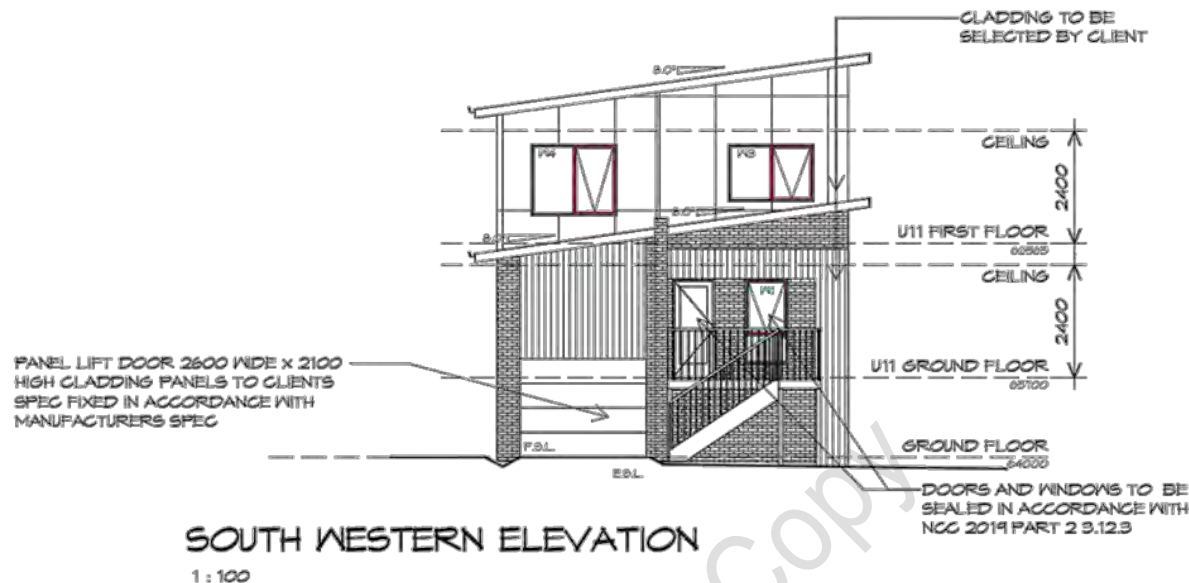
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Drawing:
ELEVATIONS

Drafted by:
D.D.H.

Approved by:
Approver

Date:
04.08.2021

Scale:
1 : 100

Project/Drawing no:
PD20144 -U11-05

Revision:
01

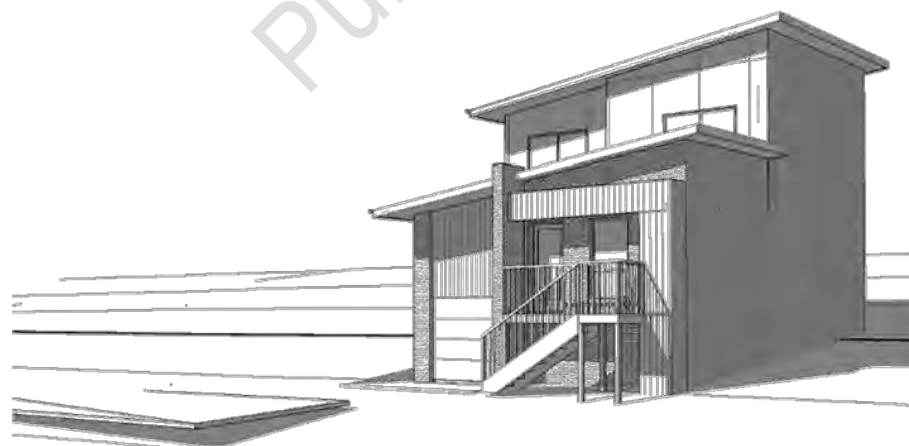
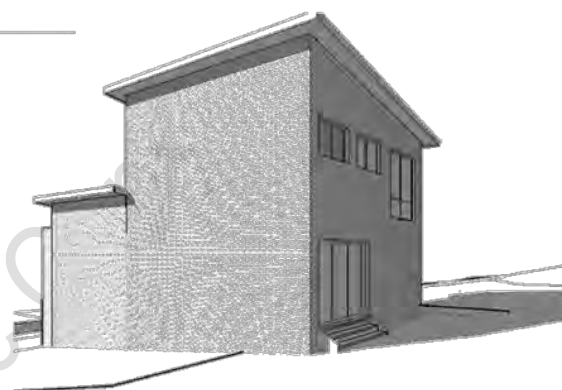
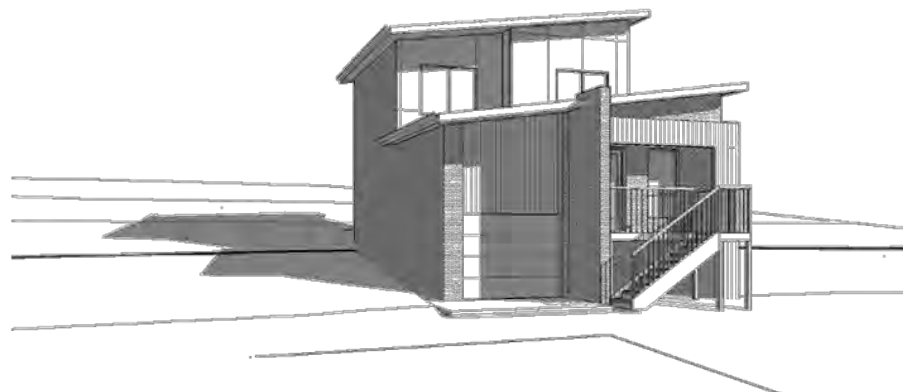
Accredited building practitioner: Frank Geskus - No CC248A



U11



PLANNING
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PLANNING
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Project:
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70 CHANNEL HIGHWAY,
KINGSTON**
Client name:
CUNIC HOMES

Drawing:
PERSPECTIVES

Drafted by: Author
Approved by: Approver

Date:
04.08.2021

Project/Drawing no: PD20144 -U11-07
Revision: 01

Accredited building practitioner: Frank Geskus -No CC246A



U11

CHECKLIST FOR DEVELOPMENT APPLICATIONS

MULTIPLE DWELLINGS IN THE GENERAL RESIDENTIAL ZONE

Zone Provisions

Issue	Compliance/Comments
<p>Residential density for multiple dwellings (Cl. 10.4.1)</p> <ul style="list-style-type: none"> A1 – site area for multiple dwellings not less than 325m² 	<p>A1 – Complies – The proposal has been amended following the public submission period. The number of multiple dwellings as submitted with the application was 55 and this is now amended to 51 and complies to A1. The site is 1.663ha resulting in a density of 326m².</p>
<p>Setbacks and building envelope for all dwellings (Cl. 10.4.2)</p> <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: <ul style="list-style-type: none"> (a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or (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 (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 (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road. 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 (b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 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. 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: 	<p>A1 – Complies – The primary frontage is Moir Road. The proposal has a setback of 4.5m to this frontage. The proposal also has setbacks of 4.5m and 4.1m to the Channel Highway and Southern Outlet respectively (3m setback required).</p> <p>There is no Table 10.4.2 road applicable to the site.</p> <p>A2 – Complies – The proposal does not involve garages or carports within 1m of the façade facing the primary frontage</p> <p>A3 – The proposal complies to the Building Envelope height and setbacks from all other boundaries.</p> <p>A4 – Not Complying - the works will impact on trees of high conservation value and they must be assessed against the performance criteria.</p>

Issue	Compliance/Comments
<p>(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:</p> <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 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>(b) only have a setback within 1.5 m of a side boundary if the dwelling:</p> <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or (ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser). <ul style="list-style-type: none"> • A4 - No trees of high conservation value will be impacted. 	
<p>Site coverage and private open space for all dwellings (Cl. 10.4.3)</p> <ul style="list-style-type: none"> • A1 – (a) site coverage 50% • A1 – (b) private open space 60m² per dwelling • A1 – (c) pervious surfaces 25% • A2 - Area of POS: <ul style="list-style-type: none"> - Area - Minimum dimension - Accessible & adjacent to habitable room - Location/orientation - Location/frontage - Gradient - Vehicle access/parking 	<p>A1(a) – Complies – The proposal has a site coverage of approximately 27.2%.</p> <p>A1(b) – Complies – Each dwelling has a minimum area of private open space of 60m².</p> <p>A1(c) – Complies – There is 43% of the site free of impervious surfaces.</p> <p>A2 – Complies – Each dwelling has the required area of private open space as required by A2. Most areas are not sited to the south, south-east or south-west of the dwelling, with the extinction of Units 1, 11, 13 and 14. Shadow diagrams have been submitted demonstrating the areas receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June.</p>
<p>Sunlight and overshadowing for all dwellings (Cl. 10.4.4)</p> <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). • A2 – A multiple dwelling that is to the north of a window of a habitable room (other than a 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>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):</p> <ul style="list-style-type: none"> (i) at a distance of 3 m from the window; and 	<p>A1 – Not Complying – The orientation of the dwellings generally follows the boundaries of the site and is greater than 30 degrees.</p> <p>A2 – Complies – The dwellings do not have north facing windows that would be affected by another multiple dwelling on the same site to the north.</p> <p>A3 – Complies – The shadow diagrams demonstrate that the private open space areas will receive the required sunlight per day.</p>

Issue	Compliance/Comments
<ul style="list-style-type: none"> (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal. (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. (c) That part, of a multiple dwelling, consisting of: <ul style="list-style-type: none"> (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling. • A3 – location of multiple dwelling to the north of the private open space of another dwelling on the same site 	
<p>Width of openings for garages and carports for all dwellings (Cl. 10.4.5)</p> <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-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). 	<p>A1 – N/A – There are no garages or carports on the road frontages.</p>
<p>Privacy for all dwellings (Cl. 10.4.6)</p> <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, roof terrace, parking space, or carport is at least 6 m: <ul style="list-style-type: none"> (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site. • 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): <ul style="list-style-type: none"> (a) The window or glazed door: <ul style="list-style-type: none"> (i) is to have a setback of at least 3 m from a side boundary; and 	<p>A1 – Complies – Privacy screens have been included on any decks/terraced areas with a finished level greater than 1m above ground level.</p> <p>A Condition has been added to the Permit.</p> <p>A2 – Complies – The design of the dwellings does not include opposing windows from a floor level more than 1m above ground level.</p> <p>The upper levels of Units 19-26 that face north east towards the boundary have high sill heights for Habitable Rooms.</p> <p>A3 – Complies – The proposal complies as the windows are either:</p> <ul style="list-style-type: none"> • Separated at least 2.5m from shared parking spaces and shared driveway areas; or • Setback 1m with a 1.7m privacy screen; or • Have a sill height of at least 1.7m; or • Have obscure glazing. <p>A Condition has been added to the Permit.</p>


Issue	Compliance/Comments
<ul style="list-style-type: none"> (ii) is to have a setback of at least 4 m from a rear boundary; and (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 (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. (b) The window or glazed door: <ul style="list-style-type: none"> (i) is to be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%. • A3 – A 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 horizontal distance of at least: <ul style="list-style-type: none"> (a) 2.5 m; or (b) 1 m if: <ul style="list-style-type: none"> (i) it is separated by a screen of at least 1.7 m in height; or (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)</p> <ul style="list-style-type: none"> • A1 – maximum height of fences 	<p>A1 – Not Complying - No front fence is included with the application. However, the Noise Impact Assessment in relation to the adjacent category 2 road (Southern Outlet) has recommended a noise barrier be constructed. It will extend 72m along the southern outlet boundary from the northern corner of the site to a height of 2.5m. It will also extend 45m along the side north east boundary to a height of 2 m.</p> <p>The Planning Report submitted with the application states that if a front fence is to be provided it would comply with a maximum height of 1.2m if solid or 1.8m with openings above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).</p>


Issue	Compliance/Comments
<p>Waste storage for multiple dwellings (Cl. 10.4.8)</p> <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: <ul style="list-style-type: none"> (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (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. 	<p>A1 – Complies (b) – The site will be serviced by an approved waste collection contractor from the communal storage area.</p>

Code Provisions

Issue	Compliance/Comments
E1.0 Bushfire-Prone Areas Code	
While the proposed development is located within a Bushfire Prone Area, the Bushfire Prone Areas Code does not apply to the residential use class. Notwithstanding, impacts of any vegetation removal have been assessed against the provisions of the Biodiversity Code.	
E5.0 Road and Railway Assets Code	
The site has frontage with major roads being the Channel Highway and the Southern Outlet. There is no vehicular access to these roads. The applicant has provided a full Traffic Impact Assessment (TIA) with the application including intersection movement analysis for the proposal including impacts on the Moir Road/Channel Highway intersection.	
<p>Existing road accesses and junctions (Cl.E5.5.1)</p> <ul style="list-style-type: none"> A1 - The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater. A2 - The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater. A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater. 	<p>A1 – NA A2 – NA A3 – Not Complying</p> <p>The TIA indicates that the proposed development will generate traffic movements of 275 vehicles/day and 28 vehicles/hour during peak traffic periods on Moir Road.</p>

Issue	Compliance/Comments
<p>Development adjacent to roads and railways (Cl.E5.6.1)</p> <ul style="list-style-type: none"> A1.1 – Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: <ul style="list-style-type: none"> (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots. A1.2 – Buildings, may be: <ul style="list-style-type: none"> (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than: <ul style="list-style-type: none"> (i) the existing building; or (ii) an immediately adjacent building. 	<p>A1.1 – Complies – see A1.2.</p> <p>The adjacent Southern Outlet is a Category 2 Road and the proposed multiple dwellings and associate on site works are within 50m. (The Channel Highway is a Category 3 Road).</p> <p>The application is supported by a Traffic Impact Analysis and a Noise Impact Assessment Report. These demonstrate compliance to the Code.</p> <p>A1.2 – Complies – The new multiple dwellings are set back no closer than the immediately adjacent buildings in Breeza Court and Jupiter Court.</p> <p>Note is made that in accordance with the Noise Impact Assessment the application includes a Noise Barrier and noise levels across the site will meet design criteria adopted by the Department of State Growth. Note is made that although the proposal does not need assessment against the Performance Criteria it would comply in relation to being safe and not unreasonably impact on the efficiency of the road or amenity of sensitive uses including any recommendations from a suitably qualified person for mitigation of noise, if for a habitable building for a sensitive use.</p> <p>A condition is included in the Permit requiring the noise barrier in accordance with the Noise Impact Assessment. It will extend 72m along the southern outlet from the northern corner of the site to a height of 2.5m. It will also extend 45m along the side north east boundary to a height of 2 m.</p>
<p>Road access and junctions (Cl.E5.6.2)</p> <ul style="list-style-type: none"> A1 - New access or junction to roads in area where speed limit more than 60 kmh A2 – No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less. 	<p>A1 – N/A</p> <p>A2 – Complies – The current lot has access to Moir Road. This is maintained for both entry and exit. The standard of construction is in accordance with the Parking and Access Code. There are no new access points to either the Channel Highway or the Southern Outlet.</p>
<p>Sight distance at access, junctions and level crossings (Cl.E5.6.4)</p> <ul style="list-style-type: none"> A1 – Sight distances at access &/or junctions complies with table 	<p>A1 – N/A – there are no new access points to either the Channel Highway or the Southern Outlet. The proposal will utilise the existing Moir Road intersection to access the Channel Highway.</p>
E6.0 Parking and Access Code	
<p>Use standards – number of car parking spaces (Cl.E6.6.1)</p> <ul style="list-style-type: none"> A1 - Number of on-site car parking spaces complies with table 	<p>A1 – Complies – A total of 115 car parking spaces are provided in accordance with the Code standards:</p> <p>51 x 2 plus 51/4 = 102 + 13 = 115 spaces</p>
<p>Number of vehicular accesses (Cl.E6.7.1)</p> <ul style="list-style-type: none"> A1 – Number of vehicle access points complies 	<p>A1 – Complies – Existing.</p> <p>The site currently has a driveway access to the Channel Highway and also a frontage to Moir</p>

Issue	Compliance/Comments
	Road. The Channel Highway driveway is to be closed and access to the site will only be from Moir Road.
Design of vehicular accesses (Cl.E6.7.2) • A1 – Design of vehicle access points complies	A1 – Complies – Complies with Code Standards.
Vehicular passing areas along an access (Cl.E6.7.3) • A1 – Vehicular passing areas comply	A1 – Complies – Complies with Code Standards
On-site turning (Cl.E6.7.4) • A1 – On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following: (a) it serves no more than two dwelling units.	A1 – Complying – vehicles will exit the site in a forward direction.
Layout of parking areas (Cl.E6.7.5) • A1 – Layout and compliance with Australian Standard	A1 – Complies – all parking areas in compliance with Australian Standards.
Surface treatment of parking areas (Cl.E6.7.6) • A1 – Parking spaces and vehicular circulation surfaces provided	A1 – Complies – all parking areas in compliance with Australian Standards.
Lighting of parking areas (Cl.E6.7.7) • A1 – Parking and vehicle circulation roadways are provided with lighting	A1 – Complies – all parking areas in compliance with Australian Standards.
Landscaping of parking areas (Cl.E6.7.8) • A1 – Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.	A1 – Complies – More than 5% is provided. The Landscaping Plan indicates significant landscape areas around the parking and circulation areas that will give the appearance of a suburban street. 

Issue	Compliance/Comments
	 <p>The plans above show the Landscaping Areas for the proposal.</p>
<p>Access to a road (Cl.6.7.14)</p> <ul style="list-style-type: none"> A1 – Access to road complies with road authority requirements 	<p>A1 – Complies – the existing access on to Moir Road will be upgraded and complies to Council standards.</p>
E7.0 Stormwater Management Code	
<p>Stormwater drainage and disposal (Cl.E7.7.1)</p> <ul style="list-style-type: none"> A1 – Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure. A2 – Sensitive design of stormwater system incorporates water sensitive urban design principles A3 -A minor stormwater drainage system must be designed to comply with all of the following: <ul style="list-style-type: none"> (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure. A4 – Design of major stormwater drainage system 	<p>A1 – Complies - Disposal of stormwater to public infrastructure. Details of the stormwater system are included on the engineering drawings including details of proposed stormwater reticulation mains to service the road extension and parking areas.</p> <p>A2 – Complies - water sensitive urban design principles are included.</p> <p>The proposal includes an overall stormwater detention and treatment system to satisfy the acceptable stormwater quality and quantity targets in Table E7.1.</p> <p>The applicant has submitted modelling to indicate the treatment effectiveness and the proposal satisfies the acceptable solution A2.</p> <p>A3 – Complies – The proposal also includes a system flow route within the road reserve to accommodate a minor and major storm event. The proposal satisfies the acceptable solution A4.</p> <p>A4 – Complies - The proposal also includes a system flow route within the road reserve to accommodate a minor and major storm event. The proposal satisfies the acceptable solution A3.</p>
E10.0 Biodiversity Code	
<p>Buildings and works (Cl.E10.7.1)</p> <ul style="list-style-type: none"> A1 – Clearance and conversion or disturbance within a Building Area 	<p>A1 – Not Complying - The proposal is unable to meet A1 as there is no building area on the title.</p>
E15.0 Inundation Prone Areas Code	
<p>Riverine inundation hazard areas (Cl.E15.7.4)</p>	<p>A1 – Complies - Council mapping shows parts of the site are subject to risk of flooding of 1% Annual Exceedance Probability (AEP) in 2100.</p>

Issue	Compliance/Comments
<ul style="list-style-type: none"> • A1 - New habitable building complies with floor level • A2 – Extension to existing habitable building complies with floor level or floor area – 60m2 • A3 – Non-habitable building/outbuilding floor area – 60m2 	<p>Information submitted in response to a further information request confirms that the proposed finished floor levels and stormwater management comply with E15.7.4 A1.</p> <p>A2 – N/A</p> <p>A3 – N/A</p>
<p>Riverine, coastal investigation area, low, medium high inundation hazard area (Cl.E15.7.5)</p> <ul style="list-style-type: none"> • A1 – Extent of landfill complies • A2 – No acceptable solution (requires assessment against performance criteria) <p>A3 – Land application for onsite wastewater management complies with (a) & (b)</p>	<p>A1 – N/A</p> <p>A2 – N/A</p> <p>A3 – N/A</p>
E24.0 Significant Trees Code	
<p>Lopping, pruning, removal or destruction of significant trees (Cl.E24.6.1)</p> <ul style="list-style-type: none"> • A1 – No acceptable solution (requires assessment against performance criteria) 	<p>A1 – Not Complying - There is no acceptable solution and the proposal must be assessed against the performance criteria.</p>
<p>Other Issues/Comments:</p> <p>Landscaping?</p> <p>Covenants?</p>	<p>Weeds</p> <p>As the site contains numerous weeds, and given the extent of site works, in accordance with clause 8.11.3(b), a condition should be included in the permit requiring development and implementation of a weed management plan.</p>

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



Submission to Planning Authority Notice

Council Planning Permit No.	DA2021-80	Council notice date	2/03/2021
TasWater details			
TasWater Reference No.	TWDA 2021/00329-KIN	Date of response	10/03/2021
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	70 CHANNEL HWY, KINGSTON	Property ID (PID)	5731339
Description of development	Demolition of Existing Dwelling & Multiple Dwelling x 55 - Staged		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Prime Design	Staging Plan / PD20144-02	13	12/02/2021
Prime Design	Site Plan / PD20144-03	13	12/02/2021
Conditions			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p>CONNECTIONS, METERING & BACKFLOW</p> <ol style="list-style-type: none"> 1. A suitably sized water supply with metered connection and sewerage system and connection to the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit. 2. 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. 3. Prior to commencing construction of the subdivision/use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater. <p>DEVELOPMENT ASSESSMENT FEES</p> <ol style="list-style-type: none"> 4. 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. <p>The payment is required within 30 days of the issue of an invoice by TasWater.</p>			
Advice			
<p>General</p> <p>For information on TasWater development standards, please visit http://www.taswater.com.au/Development/Development-Standards</p> <p>For application forms please visit http://www.taswater.com.au/Development/Forms</p> <p>Service Locations</p>			



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

(c) TasWater will locate residential water stop taps free of charge

(d) Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.

Declaration

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

Authorised by

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

OPEN SESSION

14 NOTICES OF MOTION

14.1 Health and Environmental Services By-Law

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

RECOMMENDATION

That Council will not remove Part 7 Clause 25 *Removal of trees on private property* from the Health and Environmental Services By-law until an independent legal opinion has been procured that assesses whether Part 7 Clause 25 falls within the broad powers of the Council to make by-laws for the good government of the municipal area under s145 of the LGA from a law firm other than Simmons Wolfhagen Lawyers.

Background

1. The Kingborough Council passed a motion of intention to make four by-laws, at the 7 June 2021 Council Meeting.
2. In the proposed Health and Environmental Services by-law, on advice, the tree provisions have been removed. If the proposed by-law is adopted, Council will not regulate exempt and No Permit Required vegetation removal within a regulatory framework.
3. Council received professional legal advice from Simmons Wolfhagen lawyers which states that Part 7 Clause 25 *Removal of trees on private property* of the current Health and Environmental Services By-Law conflicts with the regulatory regime created by the *Kingborough Interim Planning Scheme 2015* (KIPS).
4. Part 7, Clause 25 of the current Health and Environmental Services By-Law 2011 reads:

PART 7 - TREES ON PRIVATE PROPERTY

Removal of trees on private property

25— (1) In this Part —

"high conservation value tree" means a tree that is of a species that is listed in the *Threatened Species Protection Act 1995* or the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* and/or which provide habitat for a threatened species listed in either of those acts.

"offset" means an offset under the Council's Policy 6.10 *Biodiversity Offset* Policy as amended from time to time, or in the absence of any current Council policy, an action the Council requires a person to take that aims to compensate for an environmental impact that results in a loss of biodiversity caused by the person. An offset can include active management, a financial contribution and other actions that demonstrate a conservation benefit for a particular natural value.

(2) A person must not cut down, top, lop, remove, ringbark, injure or wilfully destroy any tree which:

- (a) has a trunk circumference of greater than 80cm at 1.5 m or more above ground level, unless authorised by a permit to do so; or
- (b) is listed on a register of significant trees applicable to the municipal area, unless authorised by a permit to do so; or,

- (c) is protected under an agreement under Part 5 of the *Land Use Planning and Approvals Act 1993* or covenant on the title. Penalty: Fine not exceeding 15 penalty units

(3) Sub-clause (2) does not apply to:

- (a) an environmental weed as listed in a planning scheme applicable to the land on which the environmental weed is located;
- (b) a declared weed under relevant State weed legislation;
- (c) an exotic species (including non-Tasmanian natives) not listed on a register of significant trees applicable to the municipal area; or,
- (d) a tree whose removal is approved under a permit in respect of a use or development that is issued under the *Land Use Planning and Approvals Act 1993*.

(4) Where a permit is granted under sub-clause (2) the Council may require an offset if the tree that is the subject of the permit is listed on a register of significant trees applicable to the municipal area or is a high conservation value tree.

5. Council invited submissions by the public on the proposed By-laws.

5.1. Nearly two hundred submissions were received with most submissions expressing concerns over the proposal to remove the tree provisions clause from the by-law.

5.2. Letters to the editor and articles about this issue have been published about this issue in the local newspaper which, when taken in conjunction with the high number of submissions, indicates significant community interest in this matter.

6. Community members procured independent legal advice from the Environmental Defenders Office that states,

“In our opinion, Part 7 of the current by-law falls within the broad powers of the Council to make by-laws for the good government of the municipal area under s145 of the LGA. Furthermore, Part 7 of the current by-law is not “contrary to law or ... in conflict with any planning scheme in the municipal area”, because it merely adds a requirement for a permit for certain works where no permit for those works has been granted under the KIPS. We therefore consider the current by-law to be valid.”

7. The Council is aware that the advice concerning the tree provisions in the by-law provided by Simmons Wolfhagen Lawyers is disputed.

7.1. To date, Council has procured legal advice from a single law firm, Simmons Wolfhagen Lawyers, and has not sought a second legal opinion from a different law firm.

8. A second legal opinion on the matter will either corroborate the advice from Simmons Wolfhagen Lawyers or demonstrate a countervailing viewpoint. Irrespective of whether the new advice agrees with or differs from the original legal advice, Councillors and the community would learn additional information and it would assuage concerns that the removal of Part 7, Clause 25 is a fait accompli based on a singular and disputed legal opinion.

Officer's Response

The adoption of the By-laws is time critical and any suggested inclusion of the expired c.25 into the proposed Health By-law would require the preparation of a new regulatory impact statement, and on receipt of the certificate of approval, consultation commenced. This would leave a period where governance of other important health and environmental matters would unduly be delayed.

As per the recommendation of the *Making of By-laws* report to this agenda, it is proposed that Council seek advice from senior counsel. Considering that council's By-laws have now expired this approach is recommended to be the best way forward.

Scott Basham, Compliance Coordinator

14.2 Writing to the Minister regarding the Health and Environmental Services By-Law

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

RECOMMENDATION

That:

1. Council recognises that Part 7, Clause 25 *Removal of trees on private property* of the current Health and Environmental Services By-Law (By-Law):
 - a) provides additional protection to trees on private property than that provided under the Kingborough Interim Planning Scheme 2015 (KIPS);
 - b) provides clarity to council officers when determining if tree removal or modification is permissible, better enabling them to perform their work efficiently;
 - c) has been an effective instrument to date;
 - d) is only proposed to be revoked due to an apparent legal conflict with Table 5.4 Vegetation exemptions of the Interim Planning Directive No. 4. Exemptions, Application Requirements, Special Provisions and Zone Provisions (IPD No. 4) which came into effect on 22 February 2021;
 - e) is strongly supported by the Kingborough community as demonstrated in the responses to recent public consultation;
2. Council write to the Minister within two weeks of this resolution to convey this position and request a solution that is both legal and aligns with community expectation.

Background

1. The Kingborough Council passed a motion of intention to make four by-laws at the 7th June 2021 Council Meeting.
2. The current Part 7, Clause 25 of the Health and Environmental Services By-Law (By-Law) has been in place since 2011 and has not been subject to legal challenge during ten years of operation.
3. In the proposed Health and Environmental Services By-Law 2021, on advice, the tree provisions have been removed. If the proposed by-law is adopted, Council will not regulate exempt and no permit required vegetation removal within a regulatory framework.
4. Council received professional legal advice which states that Part 7, Clause 25 Removal of trees on private property of the current Health and Environmental Services By-Law conflicts with the regulatory regime created by the Kingborough Interim Planning Scheme 2015 (KIPS).
 - 4.1 Council received advice that the Interim Planning Directive No. 4. Exemptions, Application Requirements, Special Provisions and Zone Provisions (IPD No. 4) Table

5.4 Vegetation exemptions are the main cause of the conflict between Part 7 Clause 25 of the current by-law and the KIPS.

- 4.2 Table 5.4.3 was highlighted as an important cause of conflict and inconsistency between Part 7 Clause 25 of the By-Law and the KIPS. Table 5.4.3. reads:

	Use or development	Requirement
5.4.3	landscaping and vegetation management	<p>Landscaping and vegetation management within a private garden, public garden or park, or within State-reserved land or a council reserve, if:</p> <p>(a) the vegetation is not protected by legislation, a permit condition, an agreement made under section 71 of the Act, or a covenant; or</p> <p>(b) the vegetation is not specifically listed and described as part of a historic heritage place or a significant trees in the relevant interim planning scheme,</p> <p>unless the management is incidental to the general maintenance.</p>

5. Part 7, Clause 25 of the current Health and Environmental Services By-Law 2011 reads:

PART 7 - TREES ON PRIVATE PROPERTY

Removal of trees on private property

25— (1) In this Part —

"high conservation value tree" means a tree that is of a species that is listed in the *Threatened Species Protection Act 1995* or the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* and/or which provide habitat for a threatened species listed in either of those acts.

"offset" means an offset under the Council's Policy 6.10 *Biodiversity Offset Policy* as amended from time to time, or in the absence of any current Council policy, an action the Council requires a person to take that aims to compensate for an environmental impact that results in a loss of biodiversity caused by the person. An offset can include active management, a financial contribution and other actions that demonstrate a conservation benefit for a particular natural value.

- (2) A person must not cut down, top, lop, remove, ringbark, injure or wilfully destroy any tree which:

- (a) has a trunk circumference of greater than 80cm at 1.5 m or more above ground level, unless authorised by a permit to do so; or
- (b) is listed on a register of significant trees applicable to the municipal area, unless authorised by a permit to do so; or,
- (c) is protected under an agreement under Part 5 of the *Land Use Planning and Approvals Act 1993* or covenant on the title. Penalty: Fine not exceeding 15 penalty units

- (3) Sub-clause (2) does not apply to:

- (a) an environmental weed as listed in a planning scheme applicable to the land on which the environmental weed is located;
- (b) a declared weed under relevant State weed legislation;

- (c) an exotic species (including non-Tasmanian natives) not listed on a register of significant trees applicable to the municipal area; or,
- (d) a tree whose removal is approved under a permit in respect of a use or development that is issued under the *Land Use Planning and Approvals Act 1993*.

(4) Where a permit is granted under sub-clause (2) the Council may require an offset if the tree that is the subject of the permit is listed on a register of significant trees applicable to the municipal area or is a high conservation value tree.

6. Since the alleged conflict and inconsistency between Kingborough Council's By-Law and the KIPS has arisen due to a planning directive issued by the Minister for Planning, it is prudent to make a written representation to the Minister requesting a solution that is both legal and aligns with the community's expectation that Council should be allowed to maintain Part 7, Clause 25 of the By-Law.

Officer's Response

Council decision required.

Scott Basham, Compliance Coordinator

15 PETITIONS STILL BEING ACTIONED

A report on the petition headed "Public Furniture, Tinderbox" will be provided at a future Council meeting.

16 PETITIONS RECEIVED IN LAST PERIOD

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

17 OFFICERS REPORTS TO COUNCIL

17.1 MAKING OF 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 that Council resolve to make new By-laws pursuant to the *Local Government Act 1993* (the Act) including their certification and publishing in the Gazette.

2. BACKGROUND

- 2.1 Council, at its meeting held on 7 June 2021, resolved to (Minute C279/10-2021 refers):

- (a) in accordance with s.156(1) of the Act, propose to make the following By-laws:
 - (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.

- 2.2 Council's four By-laws listed above have now expired. For Council to govern its proposed By-law functions and powers there is now a time critical requirement 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. The statutory emphasis of this report is Part 11, Division 2 – Procedural provisions of the Act.

4. DISCUSSION

- 4.1 On the 8 June 2021 the regulatory impact statements relevant to the proposed By-laws were sent to the Director, Local Government Division advising that Council had passed by absolute majority a motion of intention to make By-laws and, that Council now ask that the certificates pursuant to s.156A(6) of the Act be issued.

- 4.2 On the 23 June 2021 Council received the Certificates of Approval from the Director of Local Government - annexed hereto and marked as Annexure 1 to 4.
- 4.3 On the 26 June 2021 Council gave notice in accordance with s.157 of the Act. The Notice was published in the Mercury newspaper, made available for viewing on Council's website and displayed at Council's public offices. Council undertook additional communication in accordance with the regulatory impact statements and the *Good Practice Guidelines – Making By-Laws (3)* published by the Tasmanian Government. Annexed hereto and marked as Annexure 5 is the published notice.
- 4.4 Pursuant to s.158 of the Act a copy of the By-laws that Council proposes to make, and the regulatory impact statements were available for inspection in the public offices and Council's website. The proposed By-laws and regulatory impact statements were also available for purchase.
- 4.5 In accordance with s.159 of the Act, between 26 June 2021 and 19 July 2021 any person could make a submission in respect of the proposed By-laws and Council must consider every submission properly made. A more detailed discussion is provided in section 7. *communication and consultation*. Copies of the submissions have previously been circulated to Councillors and are available on the Council website or in hard copy at the Civic Centre.
- 4.6 On consideration of the submissions received, pursuant to s.160 of the Act, minor alterations have been made to the proposed Health By-law and the proposed Marine By-law. The alterations relate to the interpretation of *Builder* and *Building work* (Health By-law) and an alteration to provide a daily amount for use of Council marines facilities (Marine By-law). These alterations do not substantially change the purpose or effect the By-laws have on the public.
- 4.7 Council has completed the required procedural provisions and is now able to make By-laws under its common seal and have them certified and commenced in accordance with s.162 and s.163 of the Act. Annexed hereto and marked as Annexure 7 to 10 is a copy of the proposed By-laws.
- 4.8 In the report titled *Intention to Make By-laws* tabled at the 7 June 2021 Council meeting, section 4.5 of the report states:
 - *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.*
- 4.9 During the review phase of the proposed By-laws, among other guidance received from Council's solicitors, Council obtained advice concerning c.25 of the expired *Health and Environmental Services By-law, By-Law 3 of 2011* (now referred to as c.25). Paraphrased the essence of the advice is as follows:
 - *The Land Use Planning and Approvals Act 1993 (LUPAA) and the Kingborough Interim Planning Scheme 2015 (Scheme) are designed to exclusively regulate development.*
- 4.10 The following provides a more detailed explanation and consequence of the non-inclusion of c.25 in the proposed Health and Environmental By-law.
 - *The LUPAA defines works as "includes any change to the natural or existing condition or topography of land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil, but does not include forest practices, as defined in the Forest Practices Act 1985, carried out in State forests.";*

- The Scheme governs 'works' e.g. *removal, destruction or lopping of trees and the removal of vegetation*;
 - C.25 provided a regulatory framework (including offsets) for the assessment of exempt and NPR vegetation removal;
 - In the proposed Health and Environmental By-law, on advice, the tree provisions have been removed. If the proposed By-law is adopted, Council will not regulate exempt and NPR vegetation removal within a By-law regulatory framework; and
 - Removal of high conservation values trees and trees listed on the Significant Tree Register may be exempt or NPR in some circumstances. Their removal will no longer be regulated where a planning permit is not otherwise required.
- 4.11 Council officers have explored alternate methods to regulate the removal of vegetation without the protections of c.25. This included a detailed review of the Scheme. On further consultation with Council's solicitors and in summary, there are not the mechanisms in the Scheme to provide protection for trees that was afforded by c.25. Annexed hereto and marked as Annexure 11 is information concerning vegetation protection through the Scheme.
- 4.12 With the previous operation of c.25 Council's Natural Areas and Biodiversity unit had a process where permit applications, pursuant to c.25, would be assessed. This included:
- Applications being required for the removal or lopping of Tasmanian native trees over 80cm circumference and trees on the Significant Tree Register. Pruning did not require a permit;
 - The application process was free, and an outcome provided for most applications within two weeks;
 - Applications were assessed as per Council endorsed guidelines and often include a site visit;
 - Trees located within 10m of occupied infrastructure were automatically approved; and
 - The application outcome may have been:
 - That the permit was generated approving tree removal/lopping (this may include a biodiversity offset condition);
 - That a further information request letter may have been required to justify the reason for removal;
 - Refusal of the application if the reason for removal cannot be justified as per the guideline requirements; or
 - Notification of an exemption.
- 4.13 On receipt of the advice provided by Council's solicitors, Council's Natural Areas and Biodiversity staff developed a non-regulatory, tree removal assessment process. It was identified that due to the complexities in assessing either exempt or NPR vegetation removal under the Scheme, there is a community service need to assist in this assessment. The process includes:
- A free service to provide support and advice to landowners who need to determine if their proposed tree removal or lopping will require a development application to be lodged under the Scheme;

- Staff assess whether the proposed work meets an exemption in the planning Scheme and provide this advice to the applicant. The service provides certainty for landowners who are not familiar with the requirements and complexity of the Scheme; and
 - Where the proposed tree removal is likely to require a development application, applicants are provided further advice about the likely fees, processing timeframe, and supporting documentation required.
- 4.14 During consultation Council received a submission which included detailed legal advice authored by the Environmental Defenders Office (EDO). In summary, the EDO concluded that c.25 was not contrary to or in conflict with the Scheme.
- 4.15 S 150 (1) (d) of the *Local Government Act 1993* requires that “a Council must not make a by-law which is contrary to law or is in conflict with any planning scheme in the municipal area”.
- 4.16 Council officers accept the advice provided by Council’s solicitors.
- 4.17 However, due to the high number of submissions received during consultation and in the interest of transparency, a recommendation to this report is to seek advice from senior counsel questioning if c.25 is “contrary to law or, is in conflict with any planning scheme in the municipal area”.

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 With the introduction of Interim Planning Directive No.4 in February 2021 by the State Government, the removal of high conservation values trees and trees listed on the Significant Tree Register can be exempt or NPR in some circumstances, and without c.25 their removal will no longer be regulated via a By-law where a planning permit is not otherwise required. Under the incoming Tasmanian Planning Scheme, the number of common circumstances where tree removals will not require a permit will increase further, with the removal of zone standards for high conservation value trees and increases to exemptions for tree removal.
- 6.2 As a result of the introduction of IPD4 a greater number of trees will be able to be removed and Council will no longer be able to offset the ecological value that is lost in these exempt and NPR trees. Without the ability to offset there will be a greater net loss in local biodiversity and reduction in offset funds available to be invested in the long-term protection of threatened species and communities in Kingborough.
- 6.3 The loss of a By-law regulatory framework creates potential for enabling people to remove trees prior to a development application being lodged in order to avoid assessment and offsetting requirements of the planning Scheme.
- 6.4 In the absence of c.25, Council loses the ability to efficiently regulate the removal of native trees on private land when not associated with a development application. Given the extensive and increasing exemptions in the Scheme, there is potential for significant loss of trees over the coming years in Kingborough.

7. COMMUNICATION AND CONSULTATION

- 7.1 In preparation of the proposed By-laws there has been internal and external consultation, including three Councillor workshops.

- 7.2 Council has undertaken consultation in accordance with the Act, the regulatory impact statements, and the *Good Practice Guidelines – Making By-Laws (3)* published by the Tasmanian Government. Council also undertook engagement via social media and media release including the Kingborough Chronical, the Cygnet Huon & Channel Classifieds and the Kingston Classifieds.

- 7.3 Council received the following number of submissions:

No.	Proposed By-law	Number of submissions
1	Marine By-law	2
2	Health By-law	184
3	Parks By-law	4
4	Roads By-law	3

- 7.4 On the 23 July 2021 Councillors were sent a draft copy of the consultation submissions for consideration. The greatest number of submissions were made in relation to the proposed Health and Environmental By-law with majority focused on the non-inclusion of c.25.

- 7.5 Most of these submissions were statement based and as the focus (c.25) is of a technical nature, some submissions indicated confusion. Nonetheless, the following broad themes were evident:

- The significant value of trees within the community and the benefits that trees provide;
- A relationship between reduced protection for vegetation and the reduction in numbers of threatened species (mainly birdlife);
- Climate change mitigation and the role that trees play; and
- Loss of amenity in suburb, regional and rural landscapes and the role that trees have in shaping the character and identity of the municipality.

- 7.6 Submissions concerning the other three proposed By-laws were limited and replies have been provided in the response column associated to Annexure 6.

- 7.7 Following any decision made by the Council on the proposed By-laws, a communications plan, which includes key messages and communication channels will be used to communicate the Council's message on the proposed By-laws. This will also be distributed to all Councillors.

8. RISK

- 8.1 There is no risk identified with the making of the proposed By-laws.
- 8.2 The adoption of the By-laws is time critical and there is a risk that governance would be significantly affected if the proposed By-laws are not made by absolute majority. Should Council not proceed with the implementation of the proposed By-laws, Council will have no statutory power to control a number of activities associated with Council owned and managed assets.
- 8.3 With the non-inclusion of c.25 in the proposed Health By-law, a greater number of trees will be able to be removed and Council will no longer offset the ecological value that is lost if these exempt and NPR trees are removed. Without the ability to offset there will be a greater net loss in local biodiversity and reduction in offset funds available to be invested in the long-term protection of threatened species and communities in Kingborough.

- 8.4 Any suggested inclusion of the expired c.25 into the proposed Health and Environmental By-law would require the preparation of a new regulatory impact statement, and on receipt of the certificate of approval, consultation commenced. This would leave a period where governance of other important health and environmental matters would unduly be delayed.
- 8.5 For example, Council would be unable to ensure that all waste generated by building works on a building site is suitably contained (refer c. 23), or control of incinerators (refer c.24).
- 8.6 Matters pertaining to removal of c.25 are addressed in the recommendation to this report and should not affect certification of the proposed by-laws.
- 8.7 In order to provide direction it is proposed in the recommendations to this report that Council seek advice from senior counsel questioning if c.25 of the of the *Health and Environmental Services By-Law, By-Law 3 of 2011* is contrary to law or is in conflict with any planning scheme.

9. CONCLUSION

- 9.1 Council's four By-laws the subject of this report have now expired.
- 9.2 Council has completed the required procedural provisions and is now able to make By-laws under its common seal and have them certified and commenced in accordance with s.162 and s.163 of the Act.
- 9.3 During the consultation phase Council received 193 submissions. Many of the submissions were made concerning c.25. Legal advice was also submitted from the EDO which concluded that c.25 was not contrary to or in conflict with the Scheme and fell within the broad powers of the Council to make By-laws for the good governance of the municipal area under s.145 of the Act.
- 9.4 Even though Council officers have faith in the advice provided by Council's solicitors, a recommendation to this report is that Council seek advice from senior counsel questioning if c.25 of the of the *Health and Environmental Services By-Law, By-Law 3 of 2011* is contrary to law or is in conflict with any planning scheme in the municipality.

10. RECOMMENDATION

That Council:

- (a) In accordance with the *Local Government Act 1993*, make, certify and commence the following By-laws as annexed to this report:
- (i) Marine Facilities By-law No.1 of 2021;
 - (ii) Health and Environmental Services By-Law No.2 of 2021;
 - (iii) Parks, Recreation and Natural Areas By-law No.3 of 2021; and
 - (iv) Roads and Parking By-law No.4 of 2021
- (b) Seek advice from senior counsel questioning if c.25 of the *Health and Environmental Services By-Law, By-Law 3 of 2011* is contrary to law or is in conflict with any planning scheme in the municipality, and if the advice confirms that c.25 is not contrary to law or in conflict with any planning scheme in the municipality, that Council officers immediately commence the process to develop a Tree By-law, to be brought back to Council for the passing of a resolution pursuant to s.156 of the Act.

- (c) Resolve that if senior counsel determines that c.25 is contrary to law or is in conflict with any planning scheme in the municipality, seek alternatives regarding the regulation of vegetation removal that is exempt or NPR under the Scheme from senior counsel.

ATTACHMENTS

- 1. Certificate of approval - Marine By-law**
- 2. Certificate of approval - Health By-law**
- 3. Certificate of approval - Parks By-law**
- 4. Certificate of approval - Roads By-law**
- 5. s.157 Notice**
- 6. Marine Facilities By-law No.1 of 2021**
- 7. Health and Environmental Services By-law No.2 of 2021**
- 8. Parks, Recreation and Natural Areas By-law No.3 of 2021**
- 9. Roads and Parking By-law No.4 of 2021**
- 10. Vegetation protection through the Scheme**

Public Copy



Local Government Act 1993 Section 156A

CERTIFICATE

APPROVAL OF REGULATORY IMPACT STATEMENT

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

The Regulatory Impact Statement for the Marine Facilities By-Law No.1 of 2021 has been examined for the purposes of compliance with section 156A of the *Local Government Act 1993*.

The Regulatory Impact Statement addresses the following statutory requirements:

- the objectives of the by-law and the means by which the by-law is to achieve them;
- the nature of any restriction on competition;
- an assessment of the costs and benefits of any restriction on competition;
- an assessment of the costs and benefits of any impact of the by-law upon the conduct of business;
- any alternative option considered by the council;
- an assessment of the greatest net benefit or least net cost to the community;
- an assessment of the direct and indirect economic, social and environmental impacts of the by-law; and
- the proposed public consultation process.

I therefore certify that for the purposes of section 156A of the *Local Government Act 1993* -

- (i) the Regulatory Impact Statement is satisfactory; and
- (ii) the Council may commence the public consultation process.

Dated this 22 day of June 2021

Craig Limkin
Director of Local Government

Department of Premier and Cabinet





**Local Government Act 1993
Section 156A**

CERTIFICATE

APPROVAL OF REGULATORY IMPACT STATEMENT

**KINGBOROUGH COUNCIL HEALTH AND ENVIRONMENTAL SERVICES BY-LAW NO. 2
OF 2021**

The Regulatory Impact Statement for the Health and Environmental Services By-Law No. 2 of 2021 has been examined for the purposes of compliance with section 156A of the *Local Government Act 1993*.

The Regulatory Impact Statement addresses the following statutory requirements:

- the objectives of the by-law and the means by which the by-law is to achieve them;
- the nature of any restriction on competition;
- an assessment of the costs and benefits of any restriction on competition;
- an assessment of the costs and benefits of any impact of the by-law upon the conduct of business;
- any alternative option considered by the council;
- an assessment of the greatest net benefit or least net cost to the community;
- an assessment of the direct and indirect economic, social and environmental impacts of the by-law; and
- the proposed public consultation process.

I therefore certify that for the purposes of section 156A of the *Local Government Act 1993* -

- (i) the Regulatory Impact Statement is satisfactory; and
- (ii) the Council may commence the public consultation process.

Dated this 22 day of June 2021

Craig Limkin
Director of Local Government
Department of Premier and Cabinet





**Local Government Act 1993
Section 156A**

CERTIFICATE

APPROVAL OF REGULATORY IMPACT STATEMENT

**KINGBOROUGH COUNCIL PARKS, RECREATION AND NATURAL AREAS BY-LAW NO.
3 OF 2021**

The Regulatory Impact Statement for the Parks, Recreation and Natural Areas By-Law No. 3 of 2021 has been examined for the purposes of compliance with section 156A of the *Local Government Act 1993*.

The Regulatory Impact Statement addresses the following statutory requirements:

- the objectives of the by-law and the means by which the by-law is to achieve them;
- the nature of any restriction on competition;
- an assessment of the costs and benefits of any restriction on competition;
- an assessment of the costs and benefits of any impact of the by-law upon the conduct of business;
- any alternative option considered by the council;
- an assessment of the greatest net benefit or least net cost to the community;
- an assessment of the direct and indirect economic, social and environmental impacts of the by-law; and
- the proposed public consultation process.

I therefore certify that for the purposes of section 156A of the *Local Government Act 1993* -

- (i) the Regulatory Impact Statement is satisfactory; and
- (ii) the Council may commence the public consultation process.

Dated this 22 day of June 2021

Craig Limkin
Director of Local Government
Department of Premier and Cabinet





**Local Government Act 1993
Section 156A**

CERTIFICATE

APPROVAL OF REGULATORY IMPACT STATEMENT

KINGBOROUGH COUNCIL ROADS AND PARKING BY-LAW NO. 4 OF 2021

The Regulatory Impact Statement for the Roads and Parking By-Law No. 4 of 2021 has been examined for the purposes of compliance with section 156A of the *Local Government Act 1993*.

The Regulatory Impact Statement addresses the following statutory requirements:

- the objectives of the by-law and the means by which the by-law is to achieve them;
- the nature of any restriction on competition;
- an assessment of the costs and benefits of any restriction on competition;
- an assessment of the costs and benefits of any impact of the by-law upon the conduct of business;
- any alternative option considered by the council;
- an assessment of the greatest net benefit or least net cost to the community;
- an assessment of the direct and indirect economic, social and environmental impacts of the by-law; and
- the proposed public consultation process.

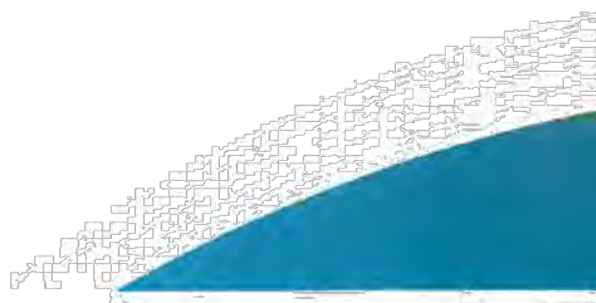
I therefore certify that for the purposes of section 156A of the *Local Government Act 1993* -

- (i) the Regulatory Impact Statement is satisfactory; and
- (ii) the Council may commence the public consultation process.

Dated this 22 day of June 2021

Craig Limkin
Director of Local Government

Department of Premier and Cabinet



Kingborough

NOTICE OF PROPOSED BY-LAWS PURSUANT TO S.157 OF THE LOCAL GOVERNMENT ACT 1993

Take Notice: Pursuant to s.156 of the Local Government Act 1993, at its meeting of the 7th June 2021 Kingborough Council passed a motion of intention to make By-laws by absolute majority, for the following:

(i) Marine Facilities By-law No.1 of 2021

Objective: To act as a mechanism for ensuring that the use of marine facilities meets appropriate public access, safety and amenity standards.

Impact and Primary features:

- That the general public is not unduly impeded or adversely impacted from accessing and using marine facilities;
- That marine facilities are not unduly damaged;
- That there is a system in place to control any commercial activities that may be conducted from marine facilities; and
- That there is an adequate enforcement system in place.

(ii) Health and Environmental Services By-law No.2 of 2021

Objective: To act as a mechanism for ensuring that Council can provide protection for the community in matters relating to public and environmental health.

Impact and Primary features:

- That materials delivered to Council's waste disposal facilities are disposed of correctly;
- That Council's kerbside household waste and recycling services operate in an effective manner;
- That animals are not kept whereby they create a nuisance, and are housed correctly;
- That building sites have acceptable sanitary facilities and waste management practices;
- That only suitable materials are burnt in appropriate places;
- That where caravans are being occupied for extended periods there is no impact on local amenity, public health or the environment; and
- That there is an adequate enforcement system in place.

(iii) Parks, Recreation and Natural Areas By-law No.3 of 2021

Objective: To act as a mechanism for ensuring that the use of recreational facilities meets appropriate public access, safety and amenity standards.

Impact and Primary features:

- To permit individuals, clubs and organisations to have exclusive use of facilities;
- That parks, recreation, natural areas and Council land is not unduly damaged;
- That parks, recreation, natural areas and Council land are used in a considerate manner and public safety is not endangered;
- That the general public is not unduly impeded from accessing and using parks, recreation, natural areas and Council land;
- That parks, recreation, natural areas and Council land are used in such a manner as not to create a public health nuisance; and
- That there is an adequate enforcement system in place.

(iv) Roads and Parking By-law No.4 of 2021

Objective: To act as a mechanism for ensuring that the use of Council roads and parking areas meets appropriate public access, safety and amenity standards.

Impact and Primary features:

- That the road surface is not unduly damaged;
- That the general public is not unduly impeded from travelling safely along a public road;
- That the footpath, nature strip, kerb and gutter within the road reserve are maintained in a serviceable condition;
- That there is a system and guidelines in place to control commercial activities;
- That vehicles being driven and parked within parking areas are doing so in an orderly manner to avoid confusion and conflict;
- That public parking areas are being used for their intended purpose; and
- That there is an adequate enforcement system in place.

Council now invites submissions by the public, on the proposed By-laws. Submissions can be made in writing to kc@kingborough.tas.gov.au or sent via post to Kingborough Civic Centre, 15 Channel Hwy, Kingston, Tasmania, 7050. Submissions may be made up to close of business 19th July 2021. A copy of the regulatory impact statements and the proposed By-laws can be viewed at www.kingborough.tas.gov.au/council/boards-legislations-laws/proposed-council-by-laws. Regulatory impact statements and the proposed By-laws can be purchased from the Kingborough Civic Centre, 15 Channel Hwy, Kingston or the Bruny Island Service Centre, Main Rd, Altonah, Bruny Island.

Public enquires on the content and effect of the proposed By-laws can be directed to Mr Scott Basham via email to kc@kingborough.tas.gov.au or via post to Kingborough Civic Centre, 15 Channel Hwy, Kingston, Tasmania, 7050 or via phone at (03) 6211 8200.

Gary Arnold
General Manager

kingborough.tas.gov.au

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-authorized 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;

Marine Facilities 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 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.

Marine Facilities By-Law 2021

- (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.

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*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	Column 2	Column 3
Clause	Fee Name	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	15 / daily use permit or 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”** has the same meaning as the *Building Act 2016*;

Health and Environmental Services By-Law 2021

"building work" has the same meaning as the *Building Act 2016*;

"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;
- (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;

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"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;

"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.

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"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,

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*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 metres; 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	Column 2	Column 3
Clause	General Description of Offence	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)	Improper 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 Clause	Column 2 Fee Name	Column 3 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*;

Parks, Recreation and Natural Areas By-Law 2021

"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

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Column 1 Clause	Column 2 General Description of Offence	Column 3 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);

Roads and Parking By-Law 2021

"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.

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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;

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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 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;

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- (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.

*Roads and Parking By-Law 2021***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 Clause	Column 2 General Description of Offence	Column 3 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

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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

Vegetation Protection through the Planning Scheme

Kingborough Interim Planning Scheme 2015 (current Planning controls)

At the 'front end' of the Scheme there are a list of uses, building and works, including vegetation removal that are Exempt from requiring a planning permit. These exemptions override the other provisions of the Planning Scheme including the zones and overlays.

Prior to Interim Planning Directive No. 4 (IPD4) being introduced by the State Government in February 2021, the exemptions at the 'front end' of the Scheme relating to vegetation removal were 'limited' and depended upon the content of the Biodiversity Code and other site characteristics such as watercourses.

IPD4 included changes to the operation of both the General Residential and Inner Residential zones (to align with what is proposed in the SPP's for the incoming Tasmanian Planning Scheme). However, as part of IPD4 there were provisions for some Council's to keep certain controls that existed in the Interim Planning Schemes. Relevant to this matter, IPD4 allowed the A4 (in Clauses 10.4.2 and 11.4.2) part of the two zones to remain which partly protected trees by having an Acceptable Solution that states: 'No trees of high conservation value will be impacted'.

When Kingborough moves over to the new Tasmanian Planning Scheme, that protection through the zoning in A4 will be lost.

Aside from the zoning controls, there are four Overlay Codes that directly protect vegetation in the current planning scheme, including:

- E10.0 Biodiversity Code
- E11.0 Waterway and Coastal Protection Code
- E14.0 Scenic Landscape Code
- E24.0 Significant Trees Code

These Overlay Codes will change as a result of the incoming Tasmanian Planning Scheme, as outlined below.

Incoming Tasmanian Planning Scheme

When the new scheme comes in to effect a number of the vegetation controls through zones and overlays will be lost, as described below.

- The current '**E10.0 Biodiversity Code**' will be renamed '**C7.0 Natural Assets Code**'. A key point of difference is that it moves from the current ability to apply it across all zones to only being allowed to be applied to limited zones, as outlined below.

It should be noted that in addition to the exemptions at the front end of the Scheme there are further exemptions within the code listed under C7.4.1 within the code.

Zones that the Natural Asset Code can or cannot be applied to

Can be applied to	Cannot be applied to
Rural Living	General Residential (except for subdivision)
Rural	Inner Residential
Landscape Conservation	Low Density Residential (except for subdivision)
Environmental Management	Village
Major Tourism	Urban Mixed
Utilities	Local Business
Community Purpose	General Business

Recreation	Central Business
Open Space	Commercial
Future Urban	Light industrial
Particular Purpose Zone	General industrial
	Agricultural
	Port and Marine

- The current 'E14.0 Scenic Landscape Code' will be renamed 'C8.0 Scenic Protection Code'. A key point of difference is that it moves from the current ability to apply it across all zones to only being allowed to be applied to limited zones, as outlined below.

It should be noted that in addition to the exemptions at the front end of the Scheme there are further exemptions within the code listed under C8.4.1 within the code.

Zones that the Scenic Protection Code can or cannot be applied to

Can be applied to	Cannot be applied to
Rural Living	General Residential
Rural	Inner Residential
Agricultural	Low Density Residential
Landscape Conservation	Village
Environmental Management	Urban Mixed
Open Space	Local Business
	General Business
	Central Business
	Commercial
	Light industrial
	General industrial
	Major Tourism
	Port and Marine
	Utilities
	Community Purpose
	Recreation
	Future Urban

- The current 'E24.0 Significant Tree Code' will be merged into the new 'C6.0 Local Heritage Code'.

The code lists trees of significance that are protected and trigger the need for planning approval for lopping or destruction of trees on the list. Currently there are 24 trees (note that reference to tree may mean more than 1 tree in a location). To qualify for listing it requires a comprehensive assessment of its value and requires a planning scheme amendment and approval from the Tasmanian Planning Commission. The Purpose of the code is: *The purpose of this provision is to recognise and protect trees that are considered to be significant within Kingborough due to aesthetics, size, age, contribution to landscape, historical value, rarity of species or unusual physical features.*

So, for either Scheme, this is not really the right mechanism to try and replace the work that the current By-law does to protect trees as this is reserved for really significant trees that are individually listed in the Planning Scheme, not a broad-brush approach.

In addition, there are a number of exempt buildings and works at the 'front end' of both the Interim Scheme and the TPS which mean that a significant tree can be removed or impacted without requiring a planning permit.

Alternatives to Codes and Overlay Codes

For the incoming Planning Scheme (which the LPS relates to) the bulk of the Planning Scheme and its controls have been written and applied by the State Government. The key purpose is to provide consistency across all Planning Schemes. The main part of the LPS that Councils are dealing with is where to apply the zones or codes. There is not an option to change the controls or how they work.

The only part of the scheme where Councils can depart from the standard controls for zones (such as changing setbacks, maximum heights, protecting trees) is through 'Specific Area Plans' (SAPs), however there are limitations of what the variations there can be and they must be agreed to and approved by the Tasmania Planning Commission (TPC) before forming part of the Scheme. SAPs must be placed on a geographic area (ie Blackmans Bay Bluff; Kingston Green) and cannot be a broad brush control across the Council. SAPs also do not override the exemptions at the 'front end' of the Scheme.

Whilst we have submitted our LPS to the TPC we have not had an indication to date whether the SAPs that we have proposed so far will be supported or varied.

Summary

In summary, there are not the mechanisms in the Planning Scheme to provide protection to trees that was afforded by c.25 of the *Health and Environmental Services By-law 3 of 2011*. Further, the vegetation protection that exists through the Planning Scheme will be significantly reduced when the Tasmanian Planning Scheme comes into effect.

17.2 REQUEST FOR CONSENT TO BUILD OUTSIDE A BUILDING ENVELOPE ON SEALED PLAN NO. 151796 AT 290 KAOOTA ROAD, KAOOTA

File Number: 2801776

Author: Vicky Shilvock, Planning Officer

Authoriser: Tasha Tyler-Moore, Manager Development Services

1. PURPOSE

- 1.1 The purpose of this report is for Council to consider granting consent, in accordance with the covenant on Sealed Plan No. 151796, to enable the construction of a dwelling, wastewater system and outbuildings outside the building envelope labelled 'P' on Lot 2 of Sealed Plan No. 151796 known as 290 Kaoota Road, Kaoota.
- 1.2 The landowner proposes through a future planning permit application to construct a dwelling, outbuilding and onsite wastewater infrastructure, and to undertake tree removal to meet bushfire hazard management requirements outside the abovementioned building envelope.

2. BACKGROUND

- 2.1 The subject site (Lot 2) forms part of a 7-lot boundary adjustment to reshape the lots (DAS-2006-20) which was approved in 2006 and includes maintaining a Right of Way through the lots; and the removal of boundary fencing on road reservations through a Part 5 Agreement under the *Land Use Planning and Approvals Act 1993* with Kingborough Council.
- 2.2 The subject site is 24.08 ha in area, with two frontages onto Kaoota Road and Allens Rivulet dividing the lot into two. The unusual shape of the lot makes the site present as an internal lot. The site is undulating and moderately steep in places with Allens Rivulet in the centre. The area is primarily forested in both stringybark dry forest and wet blue gum forest. The site contains an access road from the road reserve and some site clearance. The existing building envelope sits on a narrow plateau, with a rocky knoll to the southeast. Beyond the narrow plateau adjacent to the building envelope the land falls steeply downslope either side.
- 2.3 The site is zoned Environmental Living under the Kingborough Interim Planning Scheme 2015 (the Scheme). All remaining adjoining land to the north and south (300 and 191 Kaoota Road, 215 and 218 Talbots Road, and 65 and 68 Pioneer Road) is also zoned Environmental Living and several lots contains single residential dwellings. Adjoining land to the west (65 Kaoota Road and 24 Pioneer Road) is zoned Rural Resource and also contains single residential dwellings.
- 2.4 The building envelope on the title is a polygon shape with a diameter of 22m, an area of 331m² and is setback 30m from the frontage (see Attachment 1).
- 2.5 The subject building envelope and associated covenant was placed on the title as part of the 2006 boundary adjustment (DAS-2006-50) which required that an appropriate building envelope be located on the proposed new lots and balance in accordance with recommendations in the Environmental Management Plan submitted with the application and to the satisfaction of the Manager – Planning. Lot 2 was considered vacant land and the Applicants submitted plans showing a suitable building envelope. It is not clear from the records why the building envelope "P" was a polygon shape; however it can be assumed that the shape drawn on the title was to fit the site where the land was relatively flat.

- 2.6 It is considered that the existing building envelope placed on the title in 2006 is not adequate in terms of site area or orientation to construct a residential dwelling in 2021. The covenant is as follows:

1. *Not to erect or maintain on any part of Lot 2 outside the area shown as "P" on the plan any dwelling or other building without the written consent of Kingborough Council.*

- 2.7 The Applicant has not submitted a development application to date but has provided Council with preliminary drawings of the proposed development and a Bushfire Hazard Assessment Report (*Bushfire Tasmania* May 2021) to illustrate the limitations of developing a residential dwelling, outbuilding and associated wastewater disposal area within the existing building envelope. The applicant has submitted this request for consent to building outside the envelope to guarantee certainty that the site can be developed and enable the submission of a development application.

3. STATUTORY REQUIREMENTS

- 3.1 The Certificate of Title prevents dwellings or other buildings from being erected outside the building envelope within the site without the prior written consent of the Kingborough Council.

- 3.2 Section 94(5)(b) of the *Local Government (Building and Miscellaneous Provisions) Act 1993* provides that:

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

(a); or

(b) contravene a restriction on the use of land shown on the plan."

A fine not exceeding 10 penalty units may apply to a contravention of this section"

- 3.3 Therefore prior to Council, as a Planning Authority, processing a development application for development and works outside the building envelope, a decision must be made whether to grant consent in accordance with the requirements of the covenant on the title. It should be noted that even if approval is granted by Council to build outside the envelope the application itself is still subject to assessment against the requirements of the Scheme.

- 3.4 Under the Scheme the proposed residential development has a permitted use status as the subject site is located within the Environmental Living zone. However, the site is also affected by several overlays including the Bushfire Prone Area, Carparking and Access, Stormwater Management, Biodiversity, Waterway and Coastal Protection, Scenic Landscapes and Onsite Wastewater Management Codes. The proposed development as submitted does not meet all of the acceptable solutions of the zone or codes of the Scheme, therefore, any future application for a residential development would likely be a discretionary application.

4. DISCUSSION

- 4.1 The building envelope shown on the title is located on a narrow plateau 30m from a road reserve and has been partially cleared. Due to the unusual shape and dimensions of the building envelope it will be difficult to locate a dwelling, outbuilding and wastewater infrastructure within the building envelope. Restricting future development to within the existing building envelope would limit residential development and impact on the owner's future residential development requirements.

- 4.2 The subject lot is 24ha in area, the current building envelope is 331m², of which 9m² of the building envelope is over an embankment which drops below the site at a twenty

five degree pitch towards Allens Rivulet. To the southeast of the envelope is a rocky knoll.

- 4.3 The Applicant has advised that by locating the development partially outside of the building envelope the proposal will be sited further from the embankment which will improve the safety of the site both during any future construction and the use of outdoor space once a residential dwelling has been constructed.
- 4.4 It is also considered that by locating development further from the embankment there is a decreased risk of destabilising of the slope.
- 4.5 Future construction, partially outside the existing building envelope will enable development on a larger flatter area of land which will also contribute to a more affordable development in terms of engineering design and materials.
- 4.6 The Applicant submitted a Bushfire Hazard Management Plan for the proposal which stated that developing partially outside the building envelope will decrease the impact of required vegetation clearance to meet a Bushfire Attack Level (BAL-29) rating as the required 60m separation distance from a residential building will be located partially within an existing cleared area and less vegetation clearing will be required downslope.
- 4.7 The proposed development being partially outside the building envelope also has the benefit of being sited 30m from the road reserve further reducing the requirement for a longer driveway and positioning it closer to Kaoota Road for improved access for emergency vehicles.
- 4.8 The Applicant has also stated that developing partially outside the building envelope will enable the dwelling to be orientated to the north which will increase solar gain and improve the north orientated siting for solar panels.
- 4.9 The Applicant has also submitted preliminary drawings for an outbuilding to be located wholly outside of the building envelope. The rationale for the siting of the outbuilding is due to site limitations adjacent to the building envelope and that the proposed location is partially cleared and level. It is considered that, while there is scope for an outbuilding to be built outside the building envelope due to the limitations of the building envelope and topographical constraints, the siting of the proposed outbuilding shown in the preliminary plans may not be able to be justified given that it is in excess of 30m from the proposed dwelling and will require additional clearing and hardening for vehicle access. Once a Development Application is lodged the specific location of any future outbuilding will need to be assessed against the provisions of the Scheme.
- 4.10 The design and siting of the dwelling and outbuilding partially outside of the building envelope would reduce the requirement to undertake additional excavation and construction costs and reduce the impacts from additional vegetation clearing. It would assist in maintaining both biodiversity values and impacts on the scenic landscapes of the environs.

5. CONCLUSION

- 5.1 The Council's approval or otherwise is required under the covenant to enable a future development application for a dwelling and outbuilding to be considered against the provisions of the Scheme. The Council therefore has two options as follows:
 - (a) Grant consent under the covenant on the title for the buildings and other structures outside the building envelope marked on the Sealed Plan and allow a development application to be assessed on its merits in accordance with the requirements of the Kingborough Interim Planning Scheme 2015.

- (b) Refuse to grant consent under the covenant on the title for the buildings and other structures outside the building envelope marked on the Sealed Plan and thereby restrict the location of buildings and other structures only as originally intended by the conditions on the subdivision.

It is considered that for the reasons noted above the proposal to build outside the building envelope on this lot is supported.

6. RECOMMENDATION

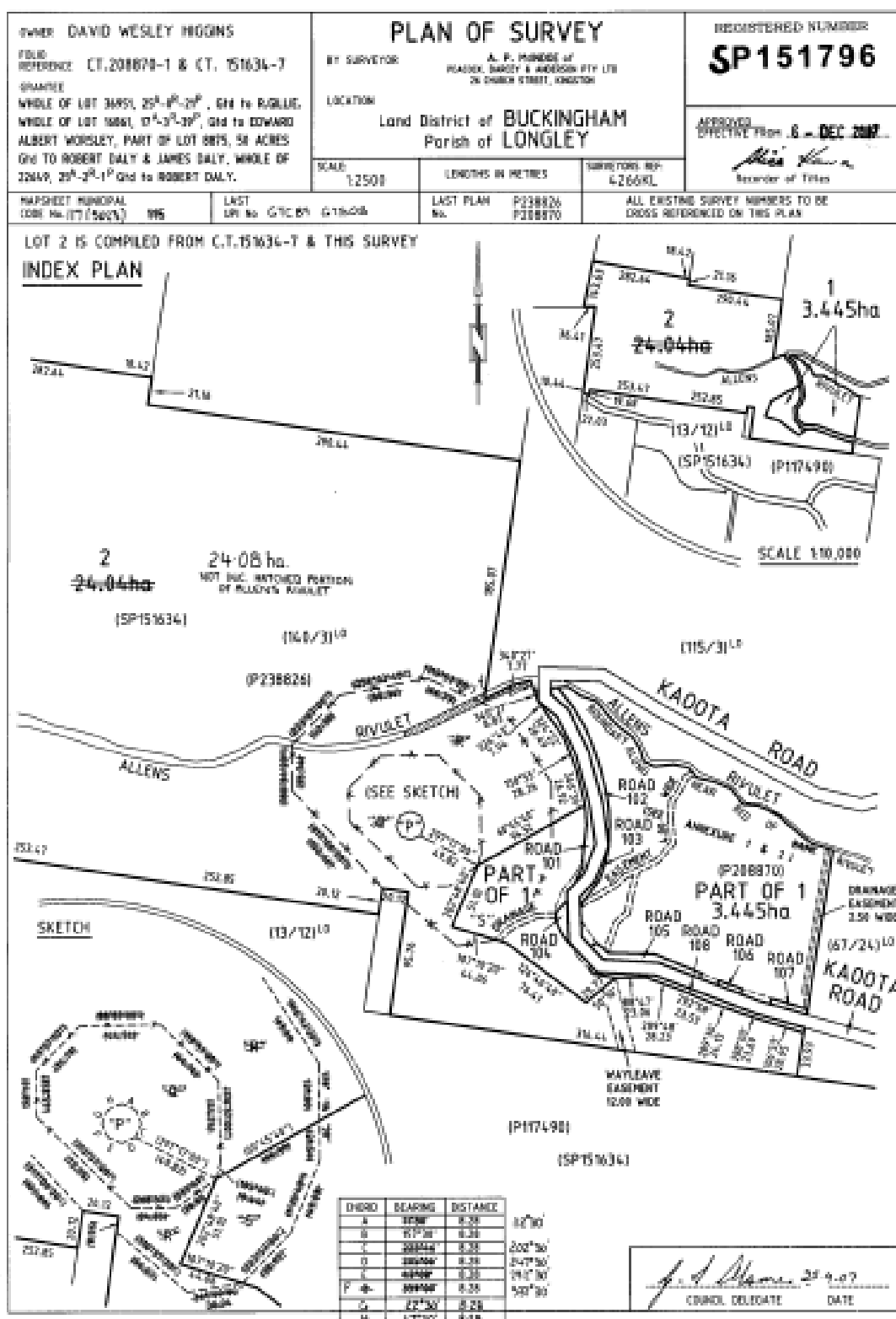
That Council:

- (a) determine to grant consent under the covenant on Sealed Plan No. 151796 to allow a development application, under the provisions of the *Land Use Planning and Approvals Act 1993* and the Kingborough Interim Planning Scheme 2015, to be considered for the buildings and other structures outside the building envelope on Lot 2. The final location and design of any proposed buildings and structures will be subject to a full assessment against the planning scheme requirements and the degree of encroachment outside the building envelope should be minimised; and
- (b) note that this consent does not imply approval for the development or vegetation removal which will be subject to an assessment of the application under the above Act and planning scheme.

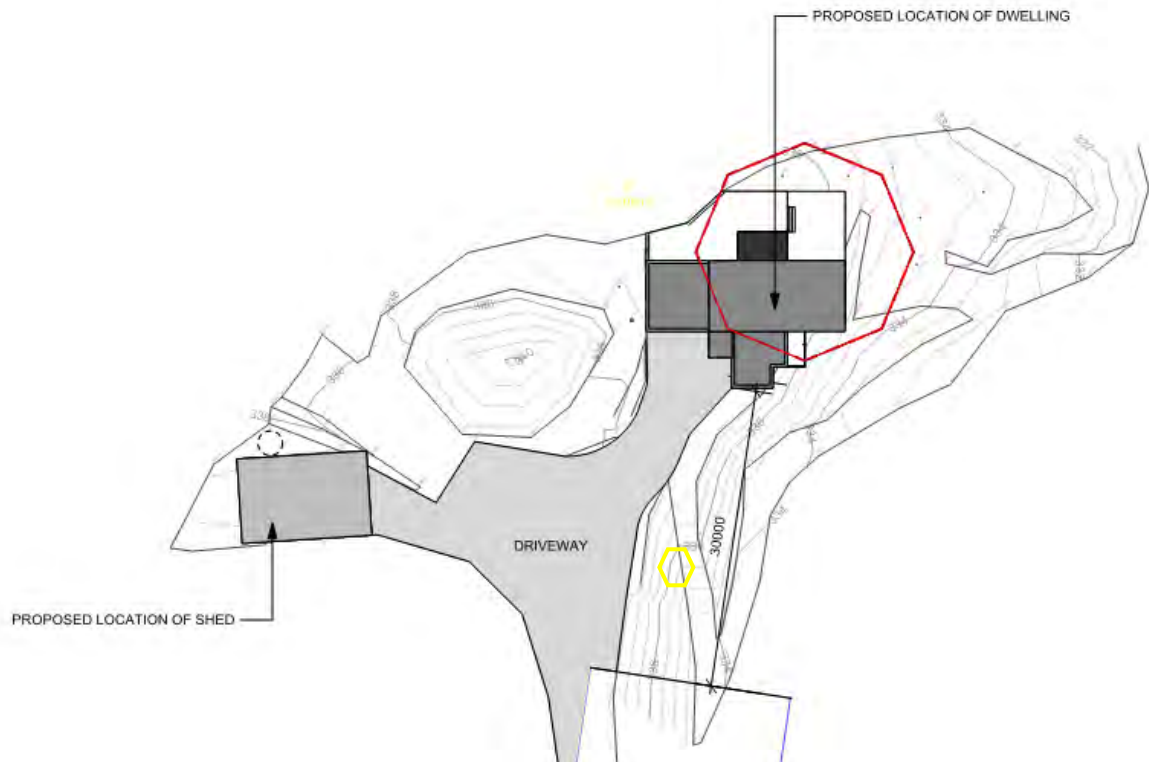
ATTACHMENTS

- 1. **Attachment 1 Certificate of Title**
- 2. **Attachment 2 Proposal**
- 3. **Attachment 3 Aerial view**

Attachment 1: CT 151796/2



Attachment 2 Proposal



Attachment 3: Aerial view : Outline in red depicts the lot boundary and yellow polygon the building envelope



17.3 KINGBOROUGH AQUATIC FACILITY FEASIBILITY REPORT

File Number: 47.18

Author: Scott Wade, Operations Manager Kingborough Sports Precinct

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 for Council to consider the findings of a feasibility study for an Aquatic Centre within the Kingborough Sports Precinct (KSP). The feasibility study was prepared by Melbourne based consultants C Leisure, a copy of which has previously been circulated to Councillors and is available on the Council website or in hard copy at the Civic Centre.

2. BACKGROUND

- 2.1 As a result of public interest in an Aquatic Centre for Kingborough, the Tasmanian Government provided funding to Council to undertake a detailed feasibility study for such a facility.
- 2.2 In October 2019, Melbourne based consultants C Leisure accepted the project brief to undertake a Feasibility Study for an Aquatic Centre within the KSP. C Leisure have 40+ years' experience in managing, planning and developing community and leisure related projects around Australia, including projects with 80 Local Government Authorities within Australia.
- 2.3 In November 2019 C Leisure visited Tasmania for the first time and undertook a range of meetings with key aquatic related stakeholders, and they again returned in February 2020 and spent time consulting with locals and community groups relating to an Aquatic Centre for Kingborough.
- 2.4 In February 2020, Council endorsed a Future Directions Plan for the KSP, that included the provision of an aquatic facility as one of a number of aspirational projects to be pursued over the next 30 years.
- 2.5 The advent of COVID-19 meant that the Feasibility Study was placed on hold for some time before C Leisure finally returned to Tasmania to present their draft report findings at a Council workshop on 26 April 2021.
- 2.6 The final draft of the Feasibility Report was provided to Council staff in June 2021.

3. STATUTORY REQUIREMENTS

- 3.1 No statutory requirements apply to this report.

4. DISCUSSION

- 4.1 The report provided by C Leisure covers every aspect of the feasibility study brief and highlights the complexity of small communities wanting high quality infrastructure, such as an aquatic centre, but without any appreciation of the investment required to deliver the diversity that members of the community desire.

- 4.2 In the context of a community wanting an Aquatic Centre, Kingborough is a small community. C Leisure has indicated that national standards are generally that high-quality Aquatic Centres with a 50m pool generally require a population base of at least 100,000 people.
- 4.3 The report highlights the Kingborough community doesn't just want a swimming pool, they want an Aquatic Centre that caters for the diverse needs of every member of the community. For example:
- Learn to swim (infants to right through to adults);
 - Lap swimmers (a swimming club);
 - Casual swimmers;
 - Water sports (including deep water sport requirements);
 - A diverse range of water programs;
 - A diverse range of warm water programs / a hydrotherapy pool that caters for infants, the elderly, rehabilitation requirements and for people with disabilities;
 - An aquatic playground and small pools that cater for families; and
 - A diverse environment and place that caters for the needs of everyone.
- 4.4 The construction cost of such a facility is calculated to be \$40.5m, plus an estimated \$4.5m to relocate and rebuild the facilities that would be displaced if it was to be located on the site recommended in the report.
- 4.5 The annual net operating cost to Council has been calculated at \$700 - \$750k depending on the management model adopted. An increase in the general rate of 3% would therefore be required to meet the costs associated with operating the facility.
- 4.6 Both the capital construction amount and annual operating costs are considered to be beyond Council's current financial capacity. Whilst it may be possible to obtain external funds towards the construction of the facility, a substantial capital contribution would be required from Council.
- 4.7 The obvious response to the issue of cost is to try and reduce the scope of the facility or endeavour to stage the project to allow construction in accordance with available funds.
- 4.8 The problem with this approach is that twofold: firstly, sections of the community will inevitably miss out and secondly, there is the potential for operating costs to increase because of the loss in economies of scale.
- 4.9 On the basis of the above considerations, it does not appear feasible for Council to pursue the development of an aquatic facility in Kingborough in the short term.
- 4.10 The report from C Leisure provides valuable information to assist in the longer-term planning for an aquatic facility and this remains an aspiration within the KSP Future Directions Plan.
- 4.11 Given the high cost of aquatic centres (both capital and operational) and the need for a population base of around 100,000 people for a facility that contains all of the necessary elements to meet community needs, there is a strong argument to suggest that this is an issue that should be addressed on a regional basis.

- 4.12 A strategic, regional approach to the provision of aquatic facilities in Tasmania could arguably produce better outcomes for the community than having every Council duplicate loss-making facilities.

5. FINANCE

- 5.1 A detailed cost plan is provided as Appendix 4 in the final report and indicates the following:
- The build cost is estimated to be \$28,669,963 which is used for depreciation in the operating projections;
 - Design contingencies of \$2,867,000 (10%) and escalation contingencies of \$947,000 (3% - 1 year) are included which takes the build total to \$32,483,962; and
 - Construction contingencies, professional fees, authority fees and charges, furniture and fit out estimates of \$7,945,000 are included which takes the estimated total build cost to \$40,428,961.
- 5.2 The base operational model summary for the development indicates that:
- The development will require an estimated average annual operational deficit funding of \$216,517 per annum over the 10-year period if managed directly and an average of \$155,930 if managed indirectly;
 - Average annual depreciation provisions of \$550,463 (1.92% of construction costs) have been made based on Council input;
 - There will be an estimated average net cost to Council of \$766,981 for a direct management model over the 10-year period after all provisions have been made;
 - There will be an average net cost to Council of \$706,393 for an indirect management model over the 10-year period after all provisions have been made; and
 - It is estimated that there will be an annual average of 298,090 visits over the 10-year period.
- 5.3 All financial estimations covering both the capital build and ongoing operating models are covered in sections 9 and 10 of the final report (pages 59 to 66).

6. ENVIRONMENT

- 6.1 One of C-Leisure's planning principles was that:
- "All development opportunities will be assessed on the basis of their contribution to protecting and enhancing local and sub-regional environmental quality".

7. COMMUNICATION AND CONSULTATION

- 7.1 A wide-ranging program of research was undertaken to identify the needs and aspirations of the Kingborough and wider community and key service providers and stakeholders. The scope of the research and the findings are detailed below:
- 7.2 The following methods were used to collect the views of community members and service provision organisations regarding the potential of an aquatic centre in Kingborough:

- Provision of information about the study on Council's web site including a self-completion survey regarding use of and needs and aspirations for any proposed Aquatic Centre;
 - Numerous interviews and discussions with internal and external stakeholders; and
 - A stall and display including surveys at Councils Community Day held at Kingborough Community Hub on 23 February 2020.
- 7.3 Section 5 of the final report (pages 20 to 30) outlines communication and consultation with:
- Internal stakeholders
 - External stakeholders
 - Community input
- 7.4 A workshop with Councillors, attended by the lead consultant, was held in July 2020.

8. RISK

- 8.1 Finance is clearly the primary risk relating to this project. Despite community enthusiasm and desire, Council proceeding with this project based on the predicted capital and operational costs would place Council at great financial risk.
- 8.2 There is a risk in trying to scale back the project to reduce capital costs that key elements of the facility will be excluded, leaving sections of the community feeling disconnected and disillusioned.

9. CONCLUSION

- 9.1 Council engaged C Leisure (one of the most well credentialled aquatic facility consultants in Australia) to undertake a feasibility study into the potential for an aquatic centre to be developed within the Kingborough Sports Precinct.
- 9.2 Following consultation with stakeholders and the broader community, C Leisure provided a recommended design for a facility that would cost \$40.5m to construct and between \$700k and \$750k per annum to operate.
- 9.3 To accommodate an operational deficit of this amount, a general rate rise of three percent would be required.
- 9.4 In addition, the site identified for the facility would displace some existing users that would need to be relocated at an estimated cost of \$4.5m.
- 9.5 Given the high capital and operational costs associated with the provision of an aquatic facility that are highlighted in the final report, the most obvious conclusion is that it is not financially feasible for Council to consider such a project at this point in time.
- 9.6 Accordingly, it is recommended that the report be used as the basis for future planning by Council, part of which should include initiating discussions with Tasmanian Department of Communities, Sport and Recreation to develop a Southern Regional Aquatic Strategy.

10. RECOMMENDATION

That Council:

- (a) Uses the C Leisure Feasibility Study for an Aquatic Centre within the Kingborough Sports Precinct as the basis for future planning for such a facility; and
- (b) Pursues opportunities with the State Government to address the provision of aquatic facilities within the context of a regional strategic approach.

ATTACHMENTS

Nil

Public Copy

17.4 LEASING AND LICENCING POLICY

File Number: 12.230

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

Authoriser: Gary Arnold, General Manager

Strategic Plan Reference

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

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

1. PURPOSE

- 1.1 The purpose of this report is to consider a review of Council's Leasing and Licencing policy.

2. BACKGROUND

- 2.1 At its meeting of 5 July 2021, Council considered a report in relation to a review of the policy and resolved to defer a resolution pending the provision of further information in relation to a number of items.

3. STATUTORY REQUIREMENTS

- 3.1 The leasing of Council land is covered under sections 177-179 of the *Local Government Act 1993*.

4. DISCUSSION

- 4.1 The policy has been amended to address the request by Councillors in relation to the following:
- a) The transparency of the process followed by Council in determining community benefits associated with a lease/licence;
 - b) The ability of all groups to participate on an equal footing with respect to expressing an interest in leasing/licencing a Council asset;
 - c) The factors to be considered in setting a rental value; and
 - d) Public communication of leased/licenced assets.
- 4.2 In relation to the question of community benefit associated with the potential approval of a commercial lease with a rental below the independent market value, a clause has been included (6.1h) requiring the inclusion of a detailed assessment of these benefits within the report to Council.
- 4.3 Council may want to approve a rental for a commercial lease below market value in instances where the asset would otherwise remain unused or where the lessee is meeting a gap in community needs but requires short term assistance to become viable.
- 4.4 Clarification of the process to be followed in the event that a lease/licence has expired is provided by the addition of a new clause (6.1k) that stipulate a requirement for the advertising of public expressions of interest for all commercial leases.

- 4.5 Additional factors to be considered in the setting of rental for not-for profit organisations have been included in clause 6.2d. These factors will form part of the assessment process and will be reported to Council as part of the approval process outlined in clause 6.4a.
- 4.6 The final addition to the policy is the inclusion of clause 8.2 that outlines the requirement for Council to maintain a register including the address of the leased/licenced asset and the name of the lessee/licencee that is publicly available on request.
- 4.7 Advice obtained from Council's solicitors indicates that it is not feasible to include rental details due to commercial confidentiality.
- 4.8 It is noted however, that clause 6.1h has been amended to include a requirement for consideration in open Council of commercial rentals that are recommended to be less than the independent market valuation.
- 4.9 In instances where a commercial rental is to be less than the market valuation, it is considered appropriate that this be publicly known and the lessee advised of this requirement as part of the initial negotiations.

5. FINANCE

- 5.1 The policy provides details on responsibility for costs associated with a lease of Council land or property, as well as a process for establishing the rental fee to apply.

6. ENVIRONMENT

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

7. COMMUNICATION AND CONSULTATION

- 7.1 The policy will be made publicly available on Council's website.

8. RISK

- 8.1 No risks are identified in relation to this matter.

9. CONCLUSION

- 9.1 Council's Leasing and Licencing Policy has been reviewed and updated to incorporate feedback provided at the 5 July Council meeting.

10. RECOMMENDATION

That Council's Leasing and Licencing Policy 3.21, as attached to this report, be adopted for a further five years.

ATTACHMENTS

- 1. **Leasing and Licencing Policy Updated**
- 2. **Existing Policy with Tracked Changes**

EXISTING POLICY WITH TRACK CHANGES



Policy No: **3.21** Minute No: **TBA**
 Approved by Council: **August/July 2021** ECM File No: **12.230**
 Next Review Date: **July/August 2026** Version: **2.0**
 Responsible Officer: **Director Governance, Recreation and Property Services**

Leasing and Licencing Policy	
POLICY STATEMENT:	1.1 The leasing or licencing of any Council land or facility will follow a prescribed process that achieves an appropriate balance between community needs and commercial requirements.
DEFINITIONS:	2.1 In this policy: <ul style="list-style-type: none"> • "Act" - means the Local Government Act 1993 • "Commercial" means a purpose that involves the supply of goods and services on the open market, or shares characteristics with a provider of goods and services for profit. • "Hire" - means obtaining the temporary use of something based upon an agreed price and period of time, including casual or seasonal hire. • "Lease" - an agreement where the Lessor (owner of the property) grants to another person (the Lessee) exclusive possession of the property for an agreed period usually (but not necessarily) for rent. • "Lessee" - means the tenant, or the person to whom the lease is granted. • "Lessor" - means the owner of the property; the person who grants a lease (i.e. Council). • "Licence" - is a formal authority or permission to enter and occupy a person's land for an agreed purpose. A licence does not usually confer a right of exclusive possession of the property, or any estate or interest in it. • "Licensee" - a person who has been granted the benefit of a licence; a person who enters land with the express or implied permission of the property owner occupier. • "Licensor" - the property owner occupier who grants the licence (i.e. the Council)
OBJECTIVE:	3.1 The objective of this policy is to provide a framework for the leasing and licencing of council land and facilities that is consistent, transparent, fair and equitable. In addition, it seeks to maximise the community benefit to be gained from Council's facilities through appropriate recovery of costs of outgoings.
SCOPE:	4.1 This policy applies to land or facilities that are owned or managed by Council within the Kingborough Municipal Area. It does not apply to the hire of Council land and/or facilities that are routinely booked or hired for occasional uses.
PRINCIPLES	5.1 The following principles underpin this policy: <ul style="list-style-type: none"> • Procedural fairness – all users of Council land/facilities are entitled to be dealt with consistently and equitably; • Transparency – the process followed by Council will be open and transparent; and • Public interest – any decision made by Council to lease or licence land or facilities will be made in the best interests of the Kingborough community.
PROCEDURE: (POLICY DETAIL)	6.1 <u>Commercial Leases and Licences:</u> Council will manage commercial use of land and facilities so that they provide a financial return to ratepayers at a market rate. Where a new commercial lease or licence agreement is proposed, the following process will be followed:

	<p>a) Public Advertising – expressions of interest for use of the land/facility will be publicallypublicly advertised.</p> <p>b) Unsolicited Proposals – the requirement for public advertising may be set aside where a unique or innovative proposal initiated by the private sector is made to Council on a commercial in confidence basis and it can be demonstrated that the proposal has the potential to deliver outcomes that are desirable to the community. This provision shall only apply to land that is not defined as Public Land under Section 178 of the Local Government Act.</p> <p>c) Valuation – in accordance with the provisions of Section 177(2) of the Local Government Act, a current market valuation will be obtained for any land/facility being recommended for lease from the Valuer-General or a person who is qualified to practise as a land valuer under <u>Section 4 of the Land Valuers Act 2001</u>.</p> <p>d) Public Land – the provisions of Section 178 of the Local Government Act in regard to public consultation will apply to the intended leasing of any land that is defined as Public Land (advertising twice in a daily circulating newspaper, displaying a notice on the boundary of land that abuts a highway and allowing a 21 day period for public submissions).</p> <p>e) Responsibility for Costs – the cost of any valuation and advertising will be met by Council in the first instance, but where the tenant has initiated the transaction to meet their own requirements, the cost will be recovered from the person requesting the land or use of the facility.</p> <p>f) Responsibility for Outgoings – the lessee/licencee will be responsible for all outgoings associated with their occupation of Council land or facilities, including all applicable insurances.</p> <p>g) Rates and Charges – the lessee/licencee will be responsible for all rates and charges associated with their occupation of Council land or facilities. Rates and charges and land tax are only able to be charged to the lessee if the property is separately valued for rating purposes. If the property is not separately valued, then an estimate of rates and charges and land tax will be made, and charged to the lessee in addition to the rental fee.</p> <p>h) Rental Fee – the independent market valuation will be the minimum rental applied. Council may approve a lower rental in instances where it can be demonstrated that there is a clear community benefit to do so. <u>In instances where a commercial rental is recommended to be less than the independent market valuation, a detailed assessment of the offsetting community benefits shall be provided, and the report considered in open session of Council.</u></p> <p>i) Rental Review – all lease/licence agreements shall include provision for annual rental increases in accordance with CPI, as well as a full rental review to be undertaken at least once every five years.</p> <p><u>j) Tenure</u> – where the lease involves part of a title of land, the maximum length of term that shall apply is ten years. Where a discrete title is involved, a term of more than ten years may be negotiated for a commercial lease.</p> <p><u>k) Expiration</u> – where a lease or licence has expired (ie no further options for renewal of the existing agreement remain), Council will seek public expressions of interest for use of the asset in question. This clause shall apply regardless of whether the existing lessee wishes to extend their tenure over the property.</p> <p>6.2 Government Organisations and Private Individuals: Where a government organisation or private individual is seeking to lease or licence Council owned or managed property, the process to be followed shall be the same as for a commercial entity.</p> <p>6.3 Not for Profit Organisations: Council will manage leases and licences to not for profit organisations in a manner that addresses community needs and is consistent with Council's strategic plans. Where a</p>
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	<p>non-commercial lease or licence agreement is proposed, the following process will be followed:</p> <ol style="list-style-type: none"> Public Advertising – where a parcel of land or facility has been identified as suitable for community purposes and there are no existing tenants/occupants, expressions of interest for use of the same will be publically advertised. Valuation – in accordance with the provisions of Section 177(2) of the Local Government Act, a current market valuation will be obtained for any land/facility being recommended for lease/licence. Where appropriate, the "AAV" figure (adjusted for CPI and proportioned where only part of the site is used) will provide a proxy for a rental valuation. Whilst the market valuation in most cases won't be applied to not for profit organisations, it will provide a record of the value of the support provided by Council to the community group in question. Public Land – the provisions of Section 178 of the Local Government Act in regard to public consultation will apply to the intended leasing of any land that is defined as Public Land. Rental – in setting the rental for non-commercial leases/licences, Council shall give consideration to the following factors: <ul style="list-style-type: none"> <u>The nature of the asset to be leased/licenced (vacant land, rights over land or land with associated improvements);</u> <u>The level of investment by the organisation into the asset;</u> <u>The proposed financial arrangements for the leased asset, including depreciation, insurance, maintenance and responsibility for outgoings;</u> <u>The income generating capacity of the land/facility asset in question (largely covered by the rental valuation but will include consideration of revenue raising facilities such as kiosks, bars etc);</u> <u>The level of government support provided to the organisation;</u> <u>The level of public access to the asset;</u> The nature of the organisation (benevolent service, community group, junior or senior sporting club); The extent to which the organisation provides benefits to the broader community; and Consistency with other similar organisations. Rates and Charges – the lessee/licencee will be responsible for all utility charges associated with their occupation of Council land or facilities. Rates will not apply to not-for profit organisations. Responsibility for outgoings – the lessee/licencee will be responsible for all outgoings associated with their occupation of Council land or facilities. Where a facility is owned by Council, the tenant shall only be responsible for contents insurance, with Council to insure the building. Rental Review – all lease/licence agreements shall include provision for annual rental increases in accordance with CPI, as well as a full rental review to be undertaken at least once every five years. h) Tenure – most non-commercial agreements shall have a maximum term of five years. A longer tenancy may be granted if it can be demonstrated that it is in the best interests of the community to do so. <p>6.4 <u>Approval Process:</u></p> <ol style="list-style-type: none"> <u>Report to Council</u> – prior to the leasing/licencing of any Council owned or managed land, a report to the Council outlining the following will be provided: <ul style="list-style-type: none"> Current use and history of land/facility; Valuation details;
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	<ul style="list-style-type: none"> • Legal requirements; • Nature of the proposed lessee/licencee, including membership arrangements and income generating capacity; and • Essential terms and conditions of the lease agreement, including length of term and proposed rental. <p>b) <u>Public Land</u> – in relation to land classified under the <i>Local Government Act</i> as Public Land, the report will be considered in open session as required by the provisions of Clause 15 3(c) of the <i>Local Government (Meeting Procedures) Regulations 2015</i>.</p> <p>c) <u>Non-public Land</u> – for land not defined as Public Land, the report will be considered in closed session in accordance with Section 15 3(f) of the <i>Local Government (Meeting Procedures) Regulations 2015</i>.</p> <p>d) <u>Simple Licences</u> – in cases in which there is no exclusive possession implied (eg access over Council owned land) a report to Council will not be required and the licence may be approved by the General Manager.</p> <p>6.5 <u>Other Considerations:</u> Where applicable, Council will include conditions in all new leases to encourage best practice in terms of energy usage, waste management and reduction, along with responsible serving of alcohol.</p>
GUIDELINES:	<p>7.1 Any potential lease/licence of Council land or facilities will:</p> <ul style="list-style-type: none"> • Be undertaken in compliance with legislative requirements; • Be undertaken with the intention of securing maximum financial and/or other benefits to the community; • Be through a fair and open process that includes regular market testing; • Be open to public scrutiny while maintaining appropriate levels of commercial confidentiality, and • Be conducted in accordance with the Council's adopted procedures.
COMMUNICATION:	<p>8.1 This policy will be communicated to all staff involved in the process of leasing and licencing Council owned or managed land and facilities.</p> <p><u>8.2 Council will maintain a register of all leased/licenced assets containing details of the address of the property and name of the lessee/licencee. This register shall be made available for public inspection upon request.</u></p>
LEGISLATION:	<p>9.1 The primary legislation in relation to this policy is the <i>Local Government Act 1993</i> (Tas). Other relevant legislation may include the following:</p> <ul style="list-style-type: none"> • Land Use Planning and Approvals Act 1993; • Local Government (Building and Miscellaneous Provisions) Act 1993
RELATED DOCUMENTS:	<p>10.1 Kingborough Public Open Space Strategy</p> <p>10.2 Kingborough Sport and Recreation Strategy</p>
AUDIENCE:	11.1 Public

UPDATED POLICY FOR APPROVAL



Policy No:	3.21	Minute No:	TBA
Approved by Council:	August 2021	ECM File No:	12.230
Next Review Date:	August 2026	Version:	2.0
Responsible Officer:	Director Governance, Recreation and Property Services		

Leasing and Licencing Policy

POLICY STATEMENT:	1.1 The leasing or licencing of any Council land or facility will follow a prescribed process that achieves an appropriate balance between community needs and commercial requirements.
DEFINITIONS:	<p>2.1 In this policy:</p> <ul style="list-style-type: none"> • "Act" - means the Local Government Act 1993 • "Commercial" means a purpose that involves the supply of goods and services on the open market, or shares characteristics with a provider of goods and services for profit. • "Hire" - means obtaining the temporary use of something based upon an agreed price and period of time, including casual or seasonal hire. • "Lease" - an agreement where the Lessor (owner of the property) grants to another person (the Lessee) exclusive possession of the property for an agreed period usually (but not necessarily) for rent. • "Lessee" - means the tenant, or the person to whom the lease is granted. • "Lessor" - means the owner of the property; the person who grants a lease (i.e. Council). • "Licence" - is a formal authority or permission to enter and occupy a person's land for an agreed purpose. A licence does not usually confer a right of exclusive possession of the property, or any estate or interest in it. • "Licensee" - a person who has been granted the benefit of a licence; a person who enters land with the express or implied permission of the property owner occupier. • "Licensor" - the property owner occupier who grants the licence (i.e. the Council)
OBJECTIVE:	3.1 The objective of this policy is to provide a framework for the leasing and licencing of council land and facilities that is consistent, transparent, fair and equitable. In addition, it seeks to maximise the community benefit to be gained from Council's facilities through appropriate recovery of costs of outgoings.
SCOPE:	4.1 This policy applies to land or facilities that are owned or managed by Council within the Kingborough Municipal Area. It does not apply to the hire of Council land and/or facilities that are routinely booked or hired for occasional uses.
PRINCIPLES	<p>5.1 The following principles underpin this policy:</p> <ul style="list-style-type: none"> • Procedural fairness – all users of Council land/facilities are entitled to be dealt with consistently and equitably;

	<ul style="list-style-type: none"> • Transparency – the process followed by Council will be open and transparent; and • Public interest – any decision made by Council to lease or licence land or facilities will be made in the best interests of the Kingborough community.
PROCEDURE: (POLICY DETAIL)	<p>6.1 <u>Commercial Leases and Licences:</u></p> <p>Council will manage commercial use of land and facilities so that they provide a financial return to ratepayers at a market rate. Where a new commercial lease or licence agreement is proposed, the following process will be followed:</p> <ol style="list-style-type: none"> a) Public Advertising – expressions of interest for use of the land/facility will be publicly advertised. b) Unsolicited Proposals – the requirement for public advertising may be set aside where a unique or innovative proposal initiated by the private sector is made to Council on a commercial in confidence basis and it can be demonstrated that the proposal has the potential to deliver outcomes that are desirable to the community. This provision shall only apply to land that is not defined as Public Land under Section 178 of the Local Government Act. c) Valuation – in accordance with the provisions of Section 177(2) of the Local Government Act, a current market valuation will be obtained for any land/facility being recommended for lease from the Valuer-General or a person who is qualified to practise as a land valuer under <u>Section 4 of the Land Valuers Act 2001</u>. d) Public Land – the provisions of Section 178 of the Local Government Act in regard to public consultation will apply to the intended leasing of any land that is defined as Public Land (advertising twice in a daily circulating newspaper, displaying a notice on the boundary of land that abuts a highway and allowing a 21 day period for public submissions). e) Responsibility for Costs – the cost of any valuation and advertising will be met by Council in the first instance, but where the tenant has initiated the transaction to meet their own requirements, the cost will be recovered from the person requesting the land or use of the facility. f) Responsibility for Outgoings – the lessee/licencee will be responsible for all outgoings associated with their occupation of Council land or facilities, including all applicable insurances. g) Rates and Charges – the lessee/licencee will be responsible for all rates and charges associated with their occupation of Council land or facilities. Rates and charges and land tax are only able to be charged to the lessee if the property is separately valued for rating purposes. If the property is not separately valued, then an estimate of rates and charges and land tax will be made, and charged to the lessee in addition to the rental fee. h) Rental Fee – the independent market valuation will be the minimum rental applied. Council may approve a lower rental in instances where it can be demonstrated that there is a clear community benefit to do so. In instances where a commercial rental is recommended to be less than the independent market valuation, a detailed assessment of the

	<p>offsetting community benefits shall be provided, and the report considered in open session of Council.</p> <ul style="list-style-type: none"> i) Rental Review – all lease/licence agreements shall include provision for annual rental increases in accordance with CPI, as well as a full rental review to be undertaken at least once every five years. j) Tenure – where the lease involves part of a title of land, the maximum length of term that shall apply is ten years. Where a discrete title is involved, a term of more than ten years may be negotiated for a commercial lease. k) Expiration – where a lease or licence has expired (ie no further options for renewal of the existing agreement remain), Council will seek public expressions of interest for use of the asset in question. This clause shall apply regardless of whether the existing lessee wishes to extend their tenure over the property. <p>6.2 <u>Government Organisations and Private Individuals:</u></p> <p>Where a government organisation or private individual is seeking to lease or licence Council owned or managed property, the process to be followed shall be the same as for a commercial entity.</p> <p>6.3 <u>Not for Profit Organisations:</u></p> <p>Council will manage leases and licences to not for profit organisations in a manner that addresses community needs and is consistent with Council's strategic plans. Where a non-commercial lease or licence agreement is proposed, the following process will be followed:</p> <ul style="list-style-type: none"> a) Public Advertising – where a parcel of land or facility has been identified as suitable for community purposes and there are no existing tenants/occupants, expressions of interest for use of the same will be publically advertised. b) Valuation – in accordance with the provisions of Section 177(2) of the Local Government Act, a current market valuation will be obtained for any land/facility being recommended for lease/licence. Where appropriate, the "AAV" figure (adjusted for CPI and proportioned where only part of the site is used) will provide a proxy for a rental valuation. Whilst the market valuation in most cases won't be applied to not for profit organisations, it will provide a record of the value of the support provided by Council to the community group in question. c) Public Land – the provisions of Section 178 of the Local Government Act in regard to public consultation will apply to the intended leasing of any land that is defined as Public Land. d) Rental – in setting the rental for non-commercial leases/licences, Council shall give consideration to the following factors: <ul style="list-style-type: none"> • The nature of the asset to be leased/licenced (vacant land, rights over land or land with associated improvements); • The level of investment by the organisation into the asset; • The proposed financial arrangements for the leased asset, including depreciation, insurance, maintenance and responsibility for outgoings; • The income generating capacity of the asset in question (largely covered by the rental valuation but will include consideration of revenue raising facilities such as kiosks, bars etc); • The level of government support provided to the organisation;
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	<ul style="list-style-type: none"> • The level of public access to the asset; • The nature of the organisation (benevolent service, community group, junior or senior sporting club); • The extent to which the organisation provides benefits to the broader community; and • Consistency with other similar organisations. <p>e) Rates and Charges – the lessee/licencee will be responsible for all utility charges associated with their occupation of Council land or facilities. Rates will not apply to not-for profit organisations.</p> <p>f) Responsibility for outgoings – the lessee/licencee will be responsible for all outgoings associated with their occupation of Council land or facilities. Where a facility is owned by Council, the tenant shall only be responsible for contents insurance, with Council to insure the building.</p> <p>g) Rental Review – all lease/licence agreements shall include provision for annual rental increases in accordance with CPI, as well as a full rental review to be undertaken at least once every five years.</p> <p>6.4 Tenure – most non-commercial agreements shall have a maximum term of five years. A longer tenancy may be granted if it can be demonstrated that it is in the best interests of the community to do so. <u>Approval Process:</u></p> <p>a) <u>Report to Council</u> – prior to the leasing/licencing of any Council owned or managed land, a report to the Council outlining the following will be provided:</p> <ul style="list-style-type: none"> • Current use and history of land/facility; • Valuation details; • Legal requirements; • Nature of the proposed lessee/licencee, including membership arrangements and income generating capacity; and • Essential terms and conditions of the lease agreement, including length of term and proposed rental. <p>b) <u>Public Land</u> – in relation to land classified under the <i>Local Government Act</i> as Public Land, the report will be considered in open session as required by the provisions of Clause 15 3(c) of the <i>Local Government (Meeting Procedures) Regulations 2015</i>.</p> <p>c) <u>Non-public Land</u> – for land not defined as Public Land, the report will be considered in closed session in accordance with Section 15 3(f) of the <i>Local Government (Meeting Procedures) Regulations 2015</i>.</p> <p>d) <u>Simple Licences</u> – in cases in which there is no exclusive possession implied (eg access over Council owned land) a report to Council will not be required and the licence may be approved by the General Manager.</p> <p>6.5 <u>Other Considerations:</u></p> <p>Where applicable, Council will include conditions in all new leases to encourage best practice in terms of energy usage, waste management and reduction, along with responsible serving of alcohol.</p>
GUIDELINES:	<p>7.1 Any potential lease/licence of Council land or facilities will:</p> <ul style="list-style-type: none"> • Be undertaken in compliance with legislative requirements;

	<ul style="list-style-type: none"> • Be undertaken with the intention of securing maximum financial and/or other benefits to the community; • Be through a fair and open process that includes regular market testing; • Be open to public scrutiny while maintaining appropriate levels of commercial confidentiality, and • Be conducted in accordance with the Council's adopted procedures.
COMMUNICATION:	<p>8.1 This policy will be communicated to all staff involved in the process of leasing and licencing Council owned or managed land and facilities.</p> <p>8.2 Council will maintain a register of all leased/licenced assets containing details of the address of the property and name of the lessee/licencee. This register shall be made available for public inspection upon request.</p>
LEGISLATION:	<p>9.1 The primary legislation in relation to this policy is the <i>Local Government Act 1993</i> (Tas). Other relevant legislation may include the following:</p> <ul style="list-style-type: none"> • Land Use Planning and Approvals Act 1993; • Local Government (Building and Miscellaneous Provisions) Act 1993
RELATED DOCUMENTS:	<p>10.1 Kingborough Public Open Space Strategy</p> <p>10.2 Kingborough Sport and Recreation Strategy</p>
AUDIENCE:	<p>11.1 Public</p>

17.5 FINANCIAL REPORT - JULY 2021**File Number: 10.47****Author: John Breen, Chief Financial Officer****Authoriser: Gary Arnold, General Manager****Strategic Plan Reference**

Key Priority Area: 2 Deliver quality infrastructure and services.

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

1. PURPOSE

- 1.1 The purpose of this report is to provide the July 2021 financial report information to Council for review.

2. BACKGROUND

- 2.1 The attached report has been prepared based on current information with estimates being used where final information is not available.
- 2.2 The Copping results for the year are not available so the budget figure has been utilised as revenue for the year.

3. STATUTORY REQUIREMENTS

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

4. DISCUSSION

- 4.1 The Summary Operating Statement contains several variances to the original budget. The following are the major variances and explanations:
- Statutory fees and fines are \$45k over budget due primarily to recovered legal fees by the Compliance area in relation to the coffee cart matter recently finalised.
 - User fees are \$32k over budget primarily due to the stronger than expected revenue from KSC which was \$19k over budget.
 - Grants Recurrent are \$131k over budget primarily due to grant income carried forward from 2020/21 under the new accounting standards. This income will be matched with expenditure in 2021/22.
 - Reimbursements were \$51k under budget for June 2021. This is just a timing difference and is offset by rate remission expense being \$20k under budget.
 - Employee costs are \$54k over budget primarily due to no enterprise agreement increase being paid in July.

- Materials and Services costs are \$220k under budget due to timing of expenditure being different to the July budget.
- Other expenses is \$106k under budget due to timing differences for expenditure on tourism, valuation costs and rate remissions.
- Grants Capital is over budget by \$1.55m due to grant expenditure being carried forward from 2020/21, predominately for funds under the city deal grant.

4.2 Council's cash and investments amount to \$25.7m at the end of July, which is up \$16.2 from the July 2020 figure. Borrowing of \$22.3 million offset this amount.

5. FINANCE

5.1 Council's underlying deficit for July 2021 is \$30.68 million, which is a \$0.54m favourable variance on the budget for 2021/22. The forecast underlying deficit remains at \$0.59 million for the year.

6. ENVIRONMENT

6.1 There are no environmental issues associated with this matter.

7. COMMUNICATION AND CONSULTATION

7.1 The financial results for July 2021 are available for public scrutiny in the Council meeting agenda.

8. RISK

8.1 There is a risk in continuing to deliver underlying deficits due to diminishing cash reserves. It is important to move to an underlying surplus as quickly as possible and the Long-Term Financial Plan provides a plan to achieve this outcome in 2022/23.

9. CONCLUSION

9.1 Council is on track to deliver a result that is in line with the budget underlying deficit.

10. RECOMMENDATION

That Council endorses the attached Financial Report at 31 July 2021.

ATTACHMENTS

- 1. Financials July 2021**
- 2. Capital Report July 2021**



Kingborough

KINGBOROUGH COUNCIL

**SUMMARISED FINANCIAL REPORT
FOR THE PERIOD
1ST JULY, 2021
TO
31ST JULY, 2021**

**SUBMITTED TO COUNCIL
16TH AUGUST, 2021**



KINGBOROUGH COUNCIL - July 2021

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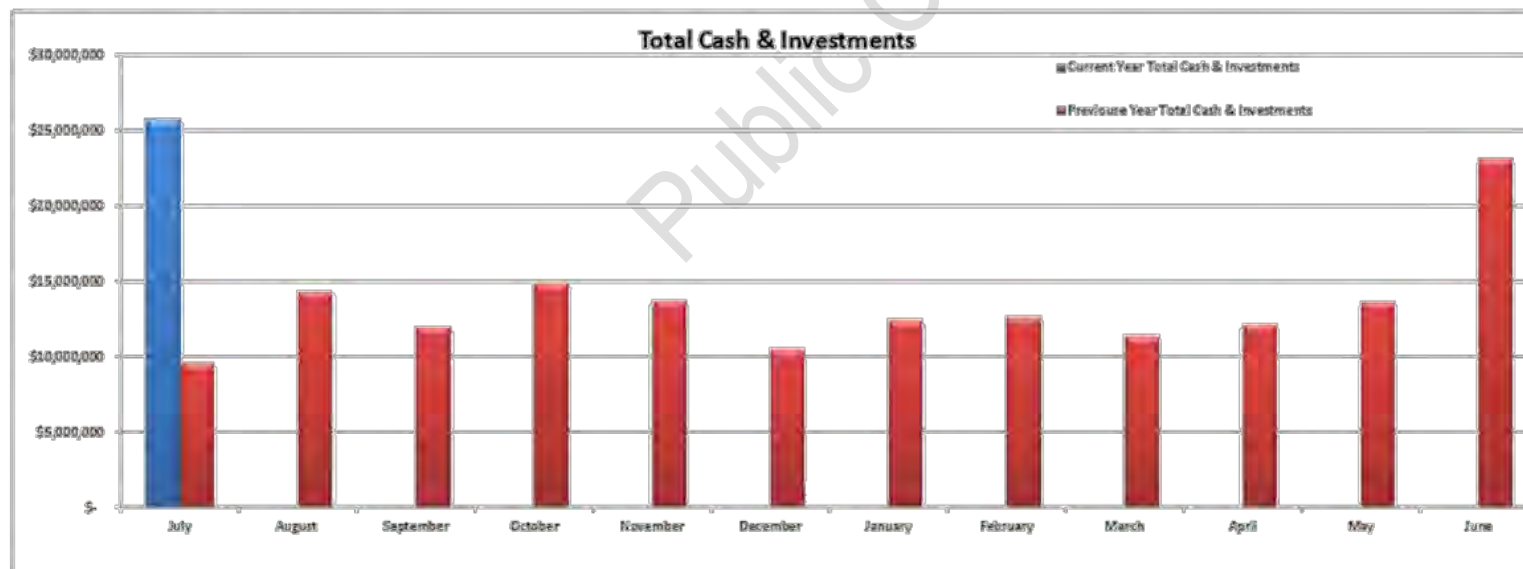
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KINGBOROUGH COUNCIL - July 2021

CASH BALANCES

Balance Type	July	August	September	October	November	December	January	February	March	April	May	June
Reserves	\$ 3,623,695	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Held in Trust	\$ 1,718,472											
Unexpended Capital Works*	\$ 454,973											
Current Year Total Committed Cash	\$ 5,796,140	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Previous Year Total Committed Cash	\$ 6,119,864	\$ 6,207,371	\$ 6,203,636	\$ 6,455,329	\$ 6,956,359	\$ 7,379,163	\$ 8,179,736	\$ 8,644,283	\$ 8,978,091	\$ 9,681,463	\$ 10,154,617	\$ 10,485,817
Uncommitted Funds	\$ 19,927,050	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Current Year Total Cash	\$ 25,723,190	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Previous Year Total Cash	\$ 9,551,285	\$ 14,307,424	\$ 11,939,006	\$ 14,835,953	\$ 13,676,489	\$ 10,502,790	\$ 12,430,269	\$ 12,599,016	\$ 11,369,278	\$ 12,133,665	\$ 13,630,478	\$ 23,115,909

*Unexpended Capital Works excludes Kingston Park expenditure



KINGBOROUGH COUNCIL - July 2021

CASH, INVESTMENTS & BORROWINGS

CASH ACCOUNTS	Interest Rate	Maturity Date	July	August	September	October	November	December	January	February	March	April	May	June
CBA - Overdraft Account			\$ 2,867,601											
CBA - Applications Account			\$ 96,470											
CBA - AR Account			\$ 465,852											
CBA - Business Online Saver			\$ 8,058,542											
Total Cash			\$ 11,488,466	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
INVESTMENTS														
Bendigo 4	0.30%	10-Jan-22	\$ 5,000,000											
Mystate 3	0.30%	23-Sep-21	\$ 2,021,423											
Mystate 4	0.45%	31-Dec-21	\$ 3,000,139											
Tascorp HT	0.10%	Managed Trust	\$ 2,115,369											
Tascorp Cash Indexed	0.15%	Managed Trust	\$ 2,097,792											
Total Investments			\$ 14,234,724	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Current Year Total Cash & Investments			\$ 25,723,190	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Previous Year Cash & Investments			\$ 9,551,285	\$ 14,307,424	\$ 11,939,006	\$ 14,835,953	\$ 13,676,499	\$ 10,502,790	\$ 10,253,798	\$ 12,430,269	\$ 12,599,016	\$ 12,133,665	\$ 13,630,478	\$ 23,115,909
Borrowings														
Tascorp (Grant Funded)	3.43%	22-Jun-23	\$2,700,000											
Tascorp	3.47%	11-Oct-23	\$2,800,000											
Tascorp (Grant Funded)	2.13%	27-Jun-24	\$2,400,000											
Tascorp (Grant Funded)	1.99%	21-Jan-25	\$2,100,000											
Tascorp	1.32%	16-Jun-23	\$2,900,000											
Tascorp	1.10%	19-Jun-24	\$9,422,500											
			\$ 22,322,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

KINGBOROUGH COUNCIL - July 2021

RESERVES

Accounts	July	August	September	October	November	December	January	February	March	April	May	June
Boronia Hill Reserve	\$ 10,733											
Car Parking	\$ 46,248											
Hall Equipment Replacement	\$ 70,785											
IT Equipment Replacement	\$ 54,931											
KSC Equipment Replacement	\$ 135,070											
Office Equipment Replacement	\$ 87,024											
Plant & Equipment Replacement	\$ 618,887											
Public Open Space	\$ 996,018											
Tree Preservation Reserve	\$ 821,968											
Unexpended Grants	\$ 781,030											
Current Year Total Reserve	\$ 3,622,695	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Previous Year Total Reserve	\$ 3,250,945	\$ 3,250,945	\$ 3,250,945	\$ 3,250,945	\$ 3,250,945	\$ 3,250,945	\$ 3,250,945	\$ 3,250,945	\$ 3,250,945	\$ 3,250,945	\$ 3,250,945	\$ 3,250,945

KINGBOROUGH COUNCIL - July 2021

BUDGET NOTES

RECONCILIATION OF ORIGINAL TO FORECAST BUDGET	
BUDGET UNDERLYING RESULT	(593,409)
Forecast Changes:	
Rate Income	
Statutory Fees and Fines	
User Fees	
Grants Recurrent	150,000
Taswater Dividend	
Materials & Services - Expenditure of Grant Funds	(150,000)
Employee Costs - Workers Compensation refund	
Employee Costs - Staff taking annual leave	
FORECAST UNDERLYING RESULT	(593,409)
Adjustments not affecting the Underlying Surplus	
Capital Grants	1,500,000
Net Operating Surplus.	4,906,591

KINGBOROUGH COUNCIL - July 2021

Summary Operating Statement All

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	31,974,634	31,955,360	19,274	32,210,000	32,210,000	0
Income Levies	1,788,056	1,799,000	(10,944)	1,799,000	1,799,000	0
Statutory Fees & Fines	320,039	275,230	44,809	2,614,700	2,614,700	0
User Fees	139,864	108,140	31,724	1,299,550	1,299,550	0
Grants Recurrent	197,824	66,250	131,574	2,765,000	2,915,000	150,000
Contributions - Cash	24,063	17,260	6,803	207,000	207,000	0
Reimbursements	1,049,015	1,100,000	(50,985)	1,200,000	1,200,000	0
Other Income	50,492	74,720	(24,228)	1,203,600	1,203,600	0
Internal Charges Income	18,333	18,330	3	220,000	220,000	0
Total Income	35,562,321	35,414,290	148,031	43,518,850	43,668,850	150,000
Expenses						
Employee Costs	1,260,329	1,314,100	53,771	15,876,756	15,876,756	0
Expenses Levies	0	0	0	1,799,000	1,799,000	0
Loan Interest	0	8,170	8,170	98,000	98,000	0
Materials and Services	748,703	968,655	219,952	10,372,023	10,522,023	(150,000)
Other Expenses	1,875,810	1,982,260	106,450	4,381,880	4,381,880	0
Internal Charges Expense	18,333	18,330	(3)	220,000	220,000	0
Total Expenses	3,903,175	4,291,515	388,340	32,747,659	32,897,659	(150,000)
Net Operating Surplus/(Deficit) before:	31,659,146	31,122,775	536,371	10,771,191	10,771,191	0
Depreciation	1,007,222	994,380	(12,842)	11,932,600	11,932,600	0
Loss/(Profit) on Disposal of Assets	(29,063)	0	29,063	400,000	400,000	0
Net Operating Surplus/(Deficit) before:	30,680,987	30,128,395	552,592	(1,561,409)	(1,561,409)	0
Interest	(97)	8,170	(8,267)	98,000	98,000	0
Dividends	0	0	0	620,000	620,000	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	100,000	100,000	0
Investment Copping	0	0	0	150,000	150,000	0
NET OPERATING SURPLUS/(DEFICIT)	30,680,890	30,136,565	544,325	(593,409)	(593,409)	0
Grants Capital	1,547,388	0	1,547,388	3,000,000	4,500,000	1,500,000
Contributions - Non Monetary Assets	0	0	0	1,000,000	1,000,000	0
NET SURPLUS/(DEFICIT)	32,228,279	30,136,565	2,091,714	3,406,591	4,906,591	1,500,000
Underlying Result						
Grant Received in Advance	0	0	0	0	0	0
UNDERLYING RESULT	30,680,890	30,136,565	544,325	(593,409)	(593,409)	0
TOTAL CASH GENERATED	29,673,669	29,142,185	531,484	11,339,191	11,339,191	0

KINGBOROUGH COUNCIL - July 2021

Summary Operating Statement Governance

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	26,321,917	26,417,950	(96,033)	26,631,000	26,631,000	0
Income Levies	1,788,056	1,799,000	(10,944)	1,799,000	1,799,000	0
Statutory Fees & Fines	0	0	0	0	0	0
User Fees	7,083	7,080	3	85,000	85,000	0
Grants Recurrent	8,684	0	8,684	2,420,000	2,420,000	0
Contributions - Cash	23,313	10,420	12,893	125,000	125,000	0
Reimbursements	1,049,015	1,100,000	(50,985)	1,200,000	1,200,000	0
Other Income	(59)	250	(309)	273,000	273,000	0
Internal Charges Income	0	0	0	0	0	0
Total Income	29,198,009	29,334,700	(136,691)	32,533,000	32,533,000	0
Expenses						
Employee Costs	43,013	30,840	(12,173)	401,650	401,650	0
Expenses Levies	0	0	0	1,799,000	1,799,000	0
Loan Interest	0	0	0	0	0	0
Materials and Services	96,704	147,750	51,046	436,000	436,000	0
Other Expenses	1,242,492	1,310,900	68,408	2,241,200	2,241,200	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	1,385,521	1,489,490	103,969	4,877,850	4,877,850	0
Net Operating Surplus/(Deficit) before:	27,812,488	27,845,210	(32,722)	27,655,150	27,655,150	0
Depreciation	19,043	20,000	957	240,000	240,000	0
Loss/(Profit) on Disposal of Assets	(29,063)	0	29,063	400,000	400,000	0
Net Operating Surplus/(Deficit) before:	27,822,508	27,825,210	(2,702)	27,015,150	27,015,150	0
Interest	0	0	0	0	0	0
Dividends	0	0	0	620,000	620,000	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	100,000	100,000	0
Investment Copping	0	0	0	150,000	150,000	0
NET OPERATING SURPLUS/(DEFICIT)	27,822,508	27,825,210	(2,702)	27,885,150	27,885,150	0
Grants Capital	1,547,388	0	1,547,388	3,000,000	4,500,000	1,500,000
Contributions - Non Monetary Assets	0	0	0	1,000,000	1,000,000	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SUPRPLUS/(DEFICIT)	29,369,896	27,825,210	1,544,686	31,885,150	33,385,150	1,500,000
TOTAL CASH GENERATED	27,803,465	27,805,210	(1,745)	27,645,150	27,645,150	0

KINGBOROUGH COUNCIL - July 2021

Summary Operating Statement Corporate Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	0	0	0	0	0	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	26,261	26,100	161	313,200	313,200	0
User Fees	0	0	0	0	0	0
Grants Recurrent	0	0	0	0	0	0
Contributions - Cash	0	0	0	0	0	0
Reimbursements	0	0	0	0	0	0
Other Income	4,178	10,700	(6,522)	128,400	128,400	0
Internal Charges Income	12,500	12,500	0	150,000	150,000	0
Total Income	42,940	49,300	(6,360)	591,600	591,600	0
Expenses						
Employee Costs	218,905	221,270	2,365	2,900,207	2,900,207	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	8,170	8,170	98,000	98,000	0
Materials and Services	64,097	104,010	39,913	799,000	799,000	0
Other Expenses	535,701	531,480	(4,221)	1,290,800	1,290,800	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	818,702	864,930	46,228	5,088,007	5,088,007	0
Net Operating Surplus/(Deficit) before:	(775,762)	(815,630)	39,868	(4,496,407)	(4,496,407)	0
Depreciation	12,949	6,450	(6,499)	77,400	77,400	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(788,711)	(822,080)	33,369	(4,573,807)	(4,573,807)	0
Interest	(97)	8,170	(8,267)	98,000	98,000	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	(788,808)	(813,910)	25,102	(4,475,807)	(4,475,807)	0
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SUPRPLUS/(DEFICIT)	(788,808)	(813,910)	25,102	(4,475,807)	(4,475,807)	0
TOTAL CASH GENERATED	(775,859)	(807,460)	31,601	(4,398,407)	(4,398,407)	0

KINGBOROUGH COUNCIL - July 2021

Summary Operating Statement Governance & Property Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	0	0	0	0	0	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	159,802	95,330	64,472	456,000	456,000	0
User Fees	25,755	13,320	12,435	161,700	161,700	0
Grants Recurrent	0	16,670	(16,670)	200,000	200,000	0
Contributions - Cash	0	0	0	0	0	0
Reimbursements	0	0	0	0	0	0
Other Income	35	2,700	(2,665)	32,300	32,300	0
Internal Charges Income	0	0	0	0	0	0
Total Income	185,592	128,020	57,572	850,000	850,000	0
Expenses						
Employee Costs	158,129	148,390	(9,739)	1,944,014	1,944,014	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	0	0	0	0	0
Materials and Services	48,737	51,710	2,973	676,960	676,960	0
Other Expenses	4,766	9,160	4,394	110,000	110,000	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	211,633	209,260	(2,373)	2,730,974	2,730,974	0
Net Operating Surplus/(Deficit) before:	(26,040)	(81,240)	55,200	(1,880,974)	(1,880,974)	0
Depreciation	34,501	38,430	3,929	461,200	461,200	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(60,541)	(119,670)	59,129	(2,342,174)	(2,342,174)	0
Interest	0	0	0	0	0	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	(60,541)	(119,670)	59,129	(2,342,174)	(2,342,174)	0
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SUPRPLUS/(DEFICIT)	(60,541)	(119,670)	59,129	(2,342,174)	(2,342,174)	0
TOTAL CASH GENERATED	(26,040)	(81,240)	63,058	(1,880,974)	(1,880,974)	0

KINGBOROUGH COUNCIL - July 2021

Summary Operating Statement Community Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	0	0	0	0	0	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	0	0	0	0	0	0
User Fees	96,384	82,150	14,234	985,650	985,650	0
Grants Recurrent	4,898	0	4,898	0	0	0
Contributions - Cash	0	0	0	0	0	0
Reimbursements	0	0	0	0	0	0
Other Income	9,346	8,930	416	107,200	107,200	0
Internal Charges Income	0	0	0	0	0	0
Total Income	110,627	91,080	19,547	1,092,850	1,092,850	0
Expenses						
Employee Costs	102,223	103,700	1,478	1,356,393	1,356,393	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	0	0	0	0	0
Materials and Services	34,707	45,420	10,713	509,300	509,300	0
Other Expenses	23,801	29,920	6,119	185,100	185,100	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	160,731	179,040	18,309	2,050,793	2,050,793	0
Net Operating Surplus/(Deficit) before:	(50,104)	(87,960)	37,856	(957,943)	(957,943)	0
Depreciation	54,078	58,590	4,512	703,000	703,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(104,182)	(146,550)	42,368	(1,660,943)	(1,660,943)	0
Interest	0	0	0	0	0	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	(104,182)	(146,550)	42,368	(1,660,943)	(1,660,943)	0
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SUPRPLUS/(DEFICIT)	(104,182)	(146,550)	42,368	(1,660,943)	(1,660,943)	0
TOTAL CASH GENERATED	(50,104)	(87,960)	37,856	(957,943)	(957,943)	0

KINGBOROUGH COUNCIL - July 2021

Summary Operating Statement Development Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	0	0	0	0	0	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	109,145	146,920	(37,775)	1,763,000	1,763,000	0
User Fees	0	80	(80)	1,000	1,000	0
Grants Recurrent	0	0	0	0	0	0
Contributions - Cash	0	0	0	0	0	0
Reimbursements	0	0	0	0	0	0
Other Income	647	670	(23)	8,000	8,000	0
Internal Charges Income	0	0	0	0	0	0
Total Income	109,792	147,670	(37,878)	1,772,000	1,772,000	0
Expenses						
Employee Costs	188,579	196,570	7,991	2,577,709	2,577,709	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	0	0	0	0	0
Materials and Services	12,665	10,670	(1,995)	128,200	128,200	0
Other Expenses	4,044	12,770	8,726	153,200	153,200	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	205,288	220,010	14,722	2,859,109	2,859,109	0
Net Operating Surplus/(Deficit) before:	(95,496)	(72,340)	(23,156)	(1,087,109)	(1,087,109)	0
Depreciation	550	580	30	7,000	7,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(96,046)	(72,920)	(23,126)	(1,094,109)	(1,094,109)	0
Interest	0	0	0	0	0	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	(96,046)	(72,920)	(23,126)	(1,094,109)	(1,094,109)	0
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SUPRPLUS/(DEFICIT)	(96,046)	(72,920)	(23,126)	(1,094,109)	(1,094,109)	0
TOTAL CASH GENERATED	(95,496)	(72,340)	(23,156)	(1,087,109)	(1,087,109)	0

KINGBOROUGH COUNCIL - July 2021

Summary Operating Statement Environmental Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	0	0	0	0	0	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	24,831	6,880	17,951	82,500	82,500	0
User Fees	0	0	0	0	0	0
Grants Recurrent	97,997	49,580	48,417	145,000	195,000	50,000
Contributions - Cash	750	6,670	(5,920)	80,000	80,000	0
Reimbursements	0	0	0	0	0	0
Other Income	0	870	(870)	10,500	10,500	0
Internal Charges Income	0	0	0	0	0	0
Total Income	123,578	64,000	59,578	318,000	368,000	50,000
Expenses						
Employee Costs	85,369	97,470	12,101	1,277,859	1,277,859	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	0	0	0	0	0
Materials and Services	4,134	47,680	43,546	612,000	662,000	(50,000)
Other Expenses	8,143	7,580	(563)	91,000	91,000	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	98,396	152,730	54,334	1,980,859	2,030,859	(50,000)
Net Operating Surplus/(Deficit) before:	25,181	(88,730)	113,911	(1,662,859)	(1,662,859)	0
Depreciation	235	250	15	3,000	3,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	24,946	(88,980)	113,926	(1,665,859)	(1,665,859)	0
Interest	0	0	0	0	0	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	24,946	(88,980)	113,926	(1,665,859)	(1,665,859)	0
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SUPRPLUS/(DEFICIT)	24,946	(88,980)	113,926	(1,665,859)	(1,665,859)	0
TOTAL CASH GENERATED	25,181	(88,730)	113,911	(1,662,859)	(1,662,859)	0

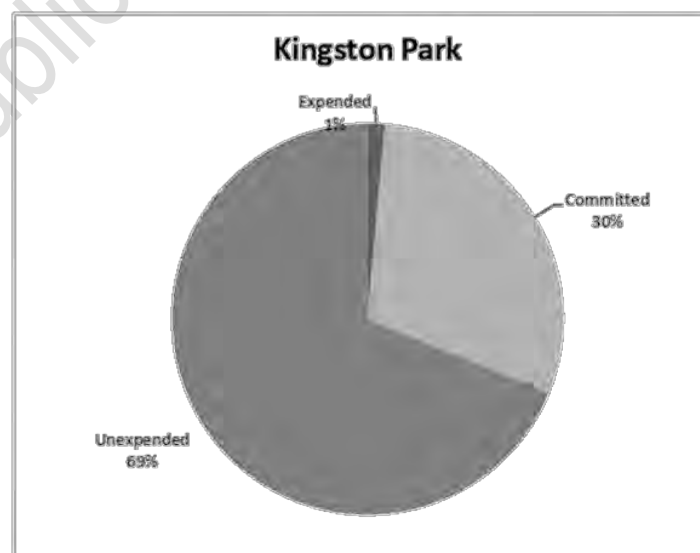
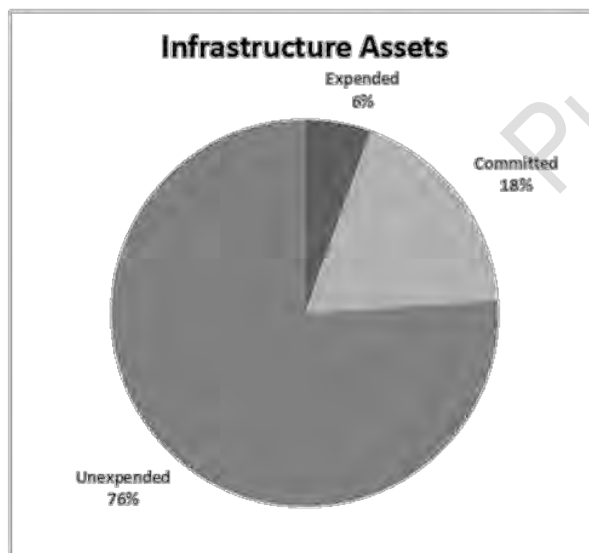
KINGBOROUGH COUNCIL - July 2021

Summary Operating Statement Infrastructure Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	5,652,718	5,537,410	115,308	5,579,000	5,579,000	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	0	0	0	0	0	0
User Fees	10,642	5,510	5,132	66,200	66,200	0
Grants Recurrent	86,245	0	86,245	0	100,000	100,000
Contributions - Cash	0	170	(170)	2,000	2,000	0
Reimbursements	0	0	0	0	0	0
Other Income	36,344	50,600	(14,256)	644,200	644,200	0
Internal Charges Income	5,833	5,830	3	70,000	70,000	0
Total Income	5,791,782	5,599,520	192,262	6,361,400	6,461,400	100,000
Expenses						
Employee Costs	444,146	474,630	30,484	4,878,723	4,878,723	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	0	0	0	0	0
Materials and Services	487,659	557,495	69,836	7,276,563	7,376,563	(100,000)
Other Expenses	56,862	59,010	2,148	158,180	158,180	0
Internal Charges Expense	18,333	18,330	(3)	220,000	220,000	0
Total Expenses	1,006,999	1,109,465	102,466	12,533,466	12,633,466	(100,000)
Net Operating Surplus/(Deficit) before:	4,784,782	4,490,055	294,727	(6,172,066)	(6,172,066)	0
Depreciation	885,866	870,080	(15,786)	10,441,000	10,441,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	3,898,917	3,619,975	278,942	(16,613,066)	(16,613,066)	0
Interest	0	0	0	0	0	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. in Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	3,898,917	3,619,975	278,942	(16,613,066)	(16,613,066)	0
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SUPRPLUS/(DEFICIT)	3,898,917	3,619,975	278,942	(16,613,066)	(16,613,066)	0
TOTAL CASH GENERATED	3,013,051	2,749,895	263,156	(6,172,066)	(6,172,066)	0

**KINGBOROUGH COUNCIL
CAPITAL EXPENDITURE TO 31/07/2021**

	Budget					Actual			Remaining
	Carry Forward	2020/21	Grants Received	IMG Adjustments	Total	Actual	Commitments	Total	
EXPENDITURE BY ASSET TYPE									
Roads	2,466,697	6,981,000	-	-	9,447,697	601,044	1,942,853	2,543,896	6,903,801
Stormwater	1,017,909	1,720,710	-	-	2,738,619	46,478	736,151	782,629	1,955,990
Property	549,213	3,085,500	-	-	3,634,713	240,444	282,149	522,594	3,112,119
Other	515,851	-	-	-	515,851	18,468	46,030	64,498	451,353
Sub total	4,549,670	11,787,210	-	-	16,336,880	906,434	3,007,183	3,913,617	12,423,263
Kingston Park	5,396,437	-	-	-	5,396,437	75,978	1,605,620	1,681,599	3,714,838
Bruny Island Tourism	1,256,220	-	-	-	1,256,220	9,586	1,000	10,586	1,245,634
City Deal Funding	1,860,000	-	-	-	1,860,000	-	-	-	1,860,000
Local Roads and Community Infrastructure	(171,334)	-	-	-	(171,334)	13,767	67,918	81,685	(253,019)
Grand Total	12,890,993	11,787,210	-	-	24,678,203	1,005,766	4,681,721	5,687,487	18,990,716



KINGBOROUGH COUNCIL
CAPITAL EXPENDITURE TO 31/07/2021

Closed	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget						Actual			Remaining
					Carry Forward	2021/22	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
KINGSTON PARK														
1	KP	Overall Project budget	Kingston Park	New	2,000,000					2,000,000	-	-	-	2,000,000
2	TRUE C00688	KP Boulevard Construction	Kingston Park	New	-	-	-	-	-	-	-	-	-	-
3	FALSE C00689	KP Pardalote Parade Design & Construction	Kingston Park	New	46,122	-	-	-	-	46,122	-	-	-	46,122
4	TRUE C00690	KP Community Hub Design	Kingston Park	New	52,343	-	-	-	-	52,343	-	196	196	52,147
5	FALSE C00691	KP Open Space Design (Playstreet)	Kingston Park	New	41,311	-	-	-	-	41,311	-	-	-	41,311
6	TRUE C01606	KP Parking Strategy	Kingston Park	New	(2,000)	-	-	-	-	(2,000)	-	-	-	(2,000)
7	FALSE C03179	KP Temporary Car Park	Kingston Park	New	108,556	-	-	-	-	108,556	-	86,172	86,172	22,384
8	FALSE C01618	Boulevard Construction Stage 1A	Kingston Park	New	318,096	-	-	-	-	318,096	-	419,340	419,340	(101,244)
9	FALSE C01627	KP Site - Land Release Strategy	Kingston Park	New	(51,227)	-	-	-	-	(51,227)	2,816	-	2,816	(54,043)
10	FALSE C01628	KP Site - General Expenditure	Kingston Park	New	32,863	-	-	-	-	32,863	7,981	9,239	17,220	15,643
11	TRUE C03068	Kingston Park Operational Expenditure	Kingston Park	New	6,489	-	-	-	-	6,489	-	-	-	6,489
12	TRUE C03069	KP Community Hub Construction	Kingston Park	New	63,324	-	-	-	-	63,324	-	142,253	142,253	(78,929)
13	TRUE C03175	KP Community Hub Plant & Equipment	Kingston Park	New	(1,824)	-	-	-	-	(1,824)	-	3,837	3,837	(5,661)
14	FALSE C03173	KP Public Open Space - Playground	Kingston Park	New	331,286	-	-	-	-	331,286	1,598	554,374	555,972	(224,686)
15	FALSE C03277	KP Public Open Space - Stage 2	Kingston Park	New	2,522,815	-	-	-	-	2,522,815	53,208	333,650	386,858	2,135,957
16	FALSE C03293	Pardalote Parade Northern Section (TIP)	Kingston Park	New	340,200	-	-	-	-	340,200	-	-	-	340,200
17	FALSE C03278	KP Perimeter shared footpath	Kingston Park	New	-	-	-	-	-	-	-	-	-	-
18	FALSE C03174	KP Public Open Space - Hub link to Playground	Kingston Park	New	(446)	-	-	-	-	(446)	-	-	-	(446)
19	FALSE C03279	KP Boulevard Construction Stage 1B	Kingston Park	New	(5,354)	-	-	-	-	(5,354)	3,005	-	3,005	(8,359)
20	FALSE C03306	KP Road F design and construct	Kingston Park	New	(362,183)	-	-	-	-	(362,183)	360	50,559	50,919	(413,102)
21	FALSE C03280	KP Stormwater wetlands	Kingston Park	New	(43,934)	-	-	-	-	(43,934)	7,010	6,000	13,010	(56,944)
22					-	-	-	-	-	-	-	-	-	-
23					5,396,437	-	-	-	-	5,396,437	75,978	1,605,620	1,681,599	3,714,838
BRUNY ISLAND TOURISM GRANT														
27	BI	Bruny Island Tourism Grant	Bruny Tourism	New	150,000			-		150,000	-	-	-	150,000
28	FALSE C03282	Alonnah footpath - BI Tourism Grant	Bruny Tourism	New	388,923	-	-	-	-	388,923	8,985	1,000	9,985	378,938
29	FALSE C03283	Dennes Point public toilets - BI Tourism Grant	Bruny Tourism	Upgrade	94,012	-	-	-	-	94,012	152	-	152	93,860
30	FALSE C03284	Adventure Bay Road road safety measures - BI Tourism Grant	Bruny Tourism	New	113,623	-	-	-	-	113,623	-	-	-	113,623
31	FALSE C03285	Waste disposal sites - BI Tourism Grant	Bruny Tourism	New	43,676	-	-	-	-	43,676	309	-	309	43,367
32	FALSE C03286	Visitor information - BI Tourism Grant	Bruny Tourism	New	105,830	-	-	-	-	105,830	140	-	140	105,690
33	FALSE C03287	Mavista Falls Track and picnic area - BI Tourism Grant	Bruny Tourism	New	290,520	-	-	-	-	290,520	-	-	-	290,520
34	FALSE C03288	Nebraska Road road safety measures - BI Tourism Grant	Bruny Tourism	New	69,636	-	-	-	-	69,636	-	-	-	69,636
36					1,256,220	-	-	-	-	1,256,220	9,586	1,000	10,586	1,245,634

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					Carry Forward	2021/22	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commitments	Total		
38		CITY DEAL FUNDING													
39															
40	G10034	City Deal Funding (Funding \$7,900,000 paid 2020/21 \$2.0m, 2021/22 \$2m, 2022/23 \$3.9)			1,060,000	-	-	-	-	1,060,000	-	-	-	1,060,000	
41	Place	Place Strategy development			-	-	-	-	-	-	-	-	-	-	
42	CD1	Kingston Interchange Improvements			800,000	-	-	-	-	800,000	-	-	-	800,000	
43	CD2	Other Initiatives to be determined			-	-	-	-	-	-	-	-	-	-	
44	G80001	Transform Kingston Program		In Operational expenditure	-	-	-	-	-	-	-	-	-	-	
45	G80002	Kingborough Bicycle Plan		In Operational expenditure	-	-	-	-	-	-	-	-	-	-	
46					-	-	-	-	-	-	-	-	-	-	
47					1,860,000	-	-	-	-	1,860,000	-	-	-	1,860,000	
48															
49		LOCAL ROADS & COMMUNITY INFRASTRUCTURE Phase 1													
50															
51	G10036				(283,617)	-	-	-	-	(283,617)	-	-	-	(283,617)	
52	OpExp	Kingborough Community Facility maintenance (Act 5030)			-	-	-	-	-	-	-	-	-	-	
53	TRUE C03408	Gormley Drive gravel resheet			-	-	-	-	-	-	-	-	-	-	
54	FALSE C03409	Jenkins St, pedestrian refuge			62,722	-	-	-	-	62,722	-	61,349	61,349	1,373	
55	FALSE C03410	Morris Ave pedestrian crossing and refuge			(1,045)	-	-	-	-	(1,045)	-	-	-	(1,045)	
56	TRUE C03411	Nebraska Road retaining Wall repairs			-	-	-	-	-	-	104	-	104	(104)	
57	FALSE C03412	Tower Court reconstruction			51,699	-	-	-	-	51,699	13,664	4,269	17,933	33,766	
58	FALSE C03413	Woodbridge Hall, replace roof and front porch			(1,093)	-	-	-	-	(1,093)	-	2,300	2,300	(3,393)	
59					-	-	-	-	-	-	-	-	-	-	
60					(171,334)	-	-	-	-	(171,334)	13,767	67,918	81,685	(253,019)	
61															
62		LOCAL ROADS & COMMUNITY INFRASTRUCTURE Phase 2													
63															
64	G10044	Grant for \$1,404,450			-	-	-	-	-	-	-	-	-	-	
65	LRC12	Expenditure in C03277 in Kingston Park above			-	-	-	-	-	-	-	-	-	-	
66					-	-	-	-	-	-	-	-	-	-	
67					-	-	-	-	-	-	-	-	-	-	
68					-	-	-	-	-	-	-	-	-	-	
69	FALSE C03192	Lunawanna Public Toilet Replacement	Property	Renewal	-	-	-	-	-	-	-	11,387	11,387	(11,387)	
70	FALSE C03222	Wash down facility for twin ovals workshop	Property	New	43,276	-	-	-	-	43,276	2,586	3,950	6,536	36,740	
71	TRUE C03225	Trials Bay-Septic system	Property	Renewal	13,015	-	-	-	-	13,015	-	-	-	-	13,015
72	FALSE C02373	Kettering Hall Disability Access	Property	Upgrade	7,000	-	-	-	-	7,000	-	-	-	-	7,000
73	FALSE C03429	Dru Point slide renewal	Property	Renewal	34,230	-	-	-	-	34,230	-	36,985	36,985	(2,755)	
74	FALSE C03320	Adventure Bay Hall Wastewater Pump Out System	Property	New	-	-	-	-	-	-	-	1,360	1,360	(1,360)	
75	FALSE C03324	Civic Centre - Office Accommodation Design	Property	Upgrade	7,699	110,000	-	-	-	117,699	-	3,176	3,176	114,523	
76	FALSE C03325	Kettering Community Hall Public Toilets Upgrade	Property	Upgrade	45,000	160,000	-	-	-	205,000	-	2,500	2,500	202,500	
77	FALSE C03326	Kingston Beach Oval Changerooms Upgrade	Property	Upgrade	98,999	-	-	-	-	98,999	-	-	-	-	98,999
78	FALSE C03329	Light Wood Park 2 Female Changerooms	Property	Upgrade	200,000	-	-	-	-	200,000	200,212	-	200,212	(212)	
79	FALSE C03331	Light Wood Park 3 training lights	Property	Renewal	25,268	-	-	-	-	25,268	10,353	-	10,353	14,915	
80	FALSE C03332	Light Wood Park 3 Fencing	Property	New	10,000	-	-	-	-	10,000	14,022	-	14,022	(4,022)	
81	FALSE C03314	Silverwater Park Upgrade	Property	Upgrade	-	-	-	-	-	-	7,290	-	7,290	(7,290)	
82	FALSE C03340	Christopher Johnson Park Toilet Upgrade	Property	Upgrade	10,000	200,000	-	-	-	210,000	-	-	-	-	210,000
83	FALSE C03341	Woodbridge Hall Toilet Upgrade	Property	Renewal	-	-	-	-	-	-	-	118,182	118,182	(118,182)	
84	FALSE C03420	Suncoast track protection works investigation	Property	New	6,107	20,000	-	-	-	26,107	1,328	-	1,328	24,779	
85	FALSE C03421	Conningham to Snug Shared path feasibility	Property	New	29,860	-	-	-	-	29,860	152	9,860	10,012	19,848	
86	FALSE C03422	Park Furniture upgrade	Property	Renewal	-	-	-	-	-	-	343	-	343	(343)	
87	FALSE C03430	Demolition of old Conningham Beach Toilet Block	Property	Renewal	28,000	-	-	-	-	28,000	-	24,712	24,712	3,288	
88	FALSE C03432	Kingston Beach Oval Lighting major repair	Property	Renewal	-	-	-	-	-	-	-	47,500	47,500	(47,500)	

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Closed	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget						Actual			Remaining
					Carry Forward	2021/22	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
89	FALSE	C03454	Adventure Bay Hall Electrical Upgrade	Property	Upgrade	-	11,000	-	-	11,000	-	-	-	11,000
90	FALSE	C03455	Alamo Close Play Space and Parkland Works	Property	New	-	220,000	-	-	220,000	-	-	-	220,000
91	FALSE	C03456	Boronla Beach Track Refurbishment	Property	Renewal	-	116,000	-	-	116,000	-	-	-	116,000
92	FALSE	C03457	Kingston Hub Auditorium Mechanical Curtian	Property	New	-	40,000	-	-	40,000	-	-	-	40,000
93	FALSE	C03458	Works Depot Toilet & Washroom Facilities	Property	Renewal	-	10,000	-	-	10,000	-	-	-	10,000
94	FALSE	C03459	Donohoe Gardens Playground Upgrade	Property	Upgrade	-	275,000	-	-	275,000	-	-	-	275,000
95	FALSE	C03460	Dru Point Playground Upgrade	Property	Upgrade	-	495,000	-	-	495,000	-	-	-	495,000
96	FALSE	C03461	Kelvedon Oval Fencing	Property	New	-	27,500	-	-	27,500	-	-	-	27,500
97	FALSE	C03462	Kingston to Margate Shared Path Feasibility Study	Property	New	-	40,000	-	-	40,000	-	-	-	40,000
98	FALSE	C03463	KSC Solar PhotoVoltaic and Battery System	Property	New	-	232,000	-	-	232,000	-	8,000	8,000	224,000
99	FALSE	C03464	Leslie Vale Oval Clubroom Demolition	Property	New	-	20,000	-	-	20,000	-	12,752	12,752	7,248
100	FALSE	C03465	Longley Hall Upgrade	Property	Upgrade	-	20,000	-	-	20,000	-	-	-	20,000
101	FALSE	C03466	Louise Hinsby Park Playground Upgrade	Property	Upgrade	-	125,000	-	-	125,000	-	-	-	125,000
102	FALSE	C03467	Margate Clubrooms Plumbing	Property	Renewal	-	60,000	-	-	60,000	-	-	-	60,000
103	FALSE	C03468	Margate Hall Disability Toilet	Property	Upgrade	-	110,000	-	-	110,000	-	-	-	110,000
104	FALSE	C03469	Margate Hall Access Ramp	Property	New	-	16,000	-	-	16,000	-	-	-	16,000
105	FALSE	C03470	North West Bay River Multi-Use Trail - Stage 1	Property	New	-	188,000	-	-	188,000	-	-	-	188,000
106	FALSE	C03471	Reserves furniture up cycling project	Property	Upgrade	-	45,000	-	-	45,000	2,706	111	2,817	42,183
107	FALSE	C03472	Taroona Hall Upgrade	Property	Upgrade	-	110,000	-	-	110,000	1,005	-	1,005	108,995
108	FALSE	C03473	Taroona Foreshore Toilet Upgrade - Design Only	Property	Upgrade	-	25,000	-	-	25,000	-	-	-	25,000
109	FALSE	C03474	Twin Ovals Carpet Replacement	Property	Renewal	-	67,500	-	-	67,500	-	-	-	67,500
110	FALSE	C03475	Willowbird Park Playground Upgrade	Property	Upgrade	-	137,500	-	-	137,500	-	-	-	137,500
111	FALSE	C03476	Public Place Recycling - Blackmans Bay Beach	Property	Upgrade	-	45,000	-	-	45,000	-	-	-	45,000
112	FALSE	C03425	Whitewater Creek Track Rehabilitation - Stage 1	Property	Renewal	(9,241)	150,000	-	-	140,759	448	1,675	2,123	138,636
113	FALSE	C03477	Margate Oval Fence Extension	Property	New	-	10,000	-	-	10,000	-	-	-	10,000
114														
115														
116						\$49,213	3,085,500	-	-	3,634,713	240,444	282,149	522,594	3,112,119
117														
118	FALSE	C03130	Multi-function devices - CC, Depot, KSC etc	IT	New	66,720	-	-	-	66,720	-	-	-	66,720
119	FALSE	C00613	Purchase IT Equipment	IT	New	-	-	-	-	-	13,102	12,872	25,974	(25,974)
120	FALSE	C00672	Digital Local Government Program	IT	New	60,406	-	-	-	60,406	-	-	-	60,406
121	FALSE	C01602	Financial Systems Replacement	IT	Renewal	163,962	-	-	-	163,962	-	-	-	163,962
122	FALSE	C03070	Desktop PC Replacement	IT	Renewal	-	-	-	-	-	-	1,273	1,273	(1,273)
123	FALSE	C03403	Replace two way system in vehicles	IT	Renewal	130,000	-	-	-	130,000	-	-	-	130,000
124	FALSE	C03404	Core Server replacement	IT	Renewal	68,000	-	-	-	68,000	-	-	-	68,000
125	FALSE	C03405	Wireless networking	IT	Renewal	26,763	-	-	-	26,763	-	7,415	7,415	19,348
126														
127						515,851	-	-	-	515,851	13,102	21,560	34,662	481,189
128														
129	TRUE	C90003	Design/survey for future works	Design	Design	-	100,000	-	-	100,000	-	-	-	100,000
130														
131						-	100,000	-	-	100,000	-	-	-	100,000
132														
133	FALSE	C03453	Taroona Park 12 new seats	Reserves	New	-	-	-	-	-	-	24,470	24,470	(24,470)
134														
135						-	-	-	-	-	-	24,470	24,470	(24,470)
136														
137	FALSE	C03107	Channel Highway John St to Hutchins St	Roads	Upgrade	-	-	-	-	-	138	-	138	(138)
138	FALSE	C03205	Leslie Road widening	Roads	Renewal	-	-	-	-	-	10,131	403	10,534	(10,534)
139	FALSE	C03276	Upgrade Street Lighting to LED	Roads	Upgrade	-	-	-	-	-	-	12,063	12,063	(12,063)
140	FALSE	C03342	Pelverata Road (vic 609) Reconstruction - Design	Roads	Upgrade	-	-	-	-	-	714	-	714	(714)

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					Carry Forward	2021/22	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
141	FALSE	C03096	Adventure Bay Road (vic 334) Realignment	Roads	Upgrade	132,617	-	-	-	132,617	42,270	13,606	55,876	76,741
142	FALSE	C03193	Barnes Bay Jetty Replacement	Roads	50% R / 50% N	-	-	-	-	-	480	-	480	(480)
143	FALSE	C01183	Beach Road (vic 2-14) Footpath	Roads	Renewal	51,284	-	-	-	51,284	2,335	37,330	39,665	11,619
144	FALSE	C03344	Browns-Proctors Road Sealing of Approaches to Brov	Roads	New	2,823	-	-	-	2,823	-	16,144	16,144	(13,321)
145	FALSE	C03311	Browns Road (vic 1-51) Rehabilitation - Stage 1 Desi	Roads	New	84,740	710,000	-	-	794,740	426	5,500	5,926	788,814
146	FALSE	C03312	Groombridges Road (vic Oxleys Rd-99) Sealing	Roads	Renewal	981,145	-	-	-	981,145	201,561	708,576	910,137	71,008
147	FALSE	C03315	Kingston Beach Sailing Club Carpark Upgrade	Roads	new	241,583	-	-	-	241,583	39,061	164,284	203,345	38,238
148	FALSE	C03313	Margate Oval Carpark Upgrade	Roads	New	65,096	-	-	-	65,096	-	14,528	14,528	50,569
149	FALSE	C03349	Nubeena Crescent Pedestrian Refuge	Roads	New	60,953	-	-	-	60,953	228	59,380	59,608	1,345
150	FALSE	C03316	Osborne Esplanade (vic 25a) Pedestrian Crossing	Roads	Renewal	260,635	-	-	-	260,635	53,342	165,222	218,564	42,071
151	FALSE	C03416	Kaoota Tramway Track Parking	Roads	New	14,354	-	-	-	14,354	-	3,081	3,081	11,273
152	FALSE	C03418	Missionary Road coastal works	Property	New	297,209	-	-	-	297,209	64,780	183,331	248,112	49,097
153	FALSE	C03427	Beach Road Footpath - Church St to Roslyn Ave	Roads	New	62,280	-	-	-	62,280	85,865	276,618	362,482	(300,202)
154	FALSE	C03489	Adventure Bay Road Upgrade vicinity No. 290	Roads	Upgrade	-	535,000	-	-	535,000	-	-	-	535,000
155	FALSE	C03490	Allens Rivulet Road Sealing of Approaches to Platypu	Roads	New	-	30,000	-	-	30,000	-	-	-	30,000
156	FALSE	C03491	Burwood Drive Gravel Footpath	Roads	Upgrade	-	180,000	-	-	180,000	-	-	-	180,000
157	FALSE	C03492	Cades Drive Rehabilitation	Roads	Upgrade	-	165,000	-	-	165,000	-	-	-	165,000
158	FALSE	C03493	Endeavour Place Junction Sealing	Roads	New	-	62,000	-	-	62,000	32	-	32	61,968
159	FALSE	C03494	Harvey Road Sealing	Roads	New	-	280,000	-	-	280,000	-	-	-	280,000
160	FALSE	C03495	Lockleys Road Junction Resealing	Roads	Renewal	-	62,000	-	-	62,000	-	-	-	62,000
161	FALSE	C03417	Snug River Pedestrian Bridge Replacement	Roads	Renewal	(4,800)	227,000	-	-	222,200	-	-	-	222,200
162	FALSE	C03199	Snug Tiers Road Reconstruction vic 42-120	Roads	Renewal	(18,922)	1,100,000	-	-	1,081,078	5,004	-	5,004	1,076,074
163	FALSE	C03496	Taroona Crescent Footpath Replacement No. 1 to 58	Roads	Renewal	-	160,000	-	-	160,000	32	-	32	159,968
164	FALSE	C03497	Village Drive Entrance Reconstruction	Roads	Renewal	-	100,000	-	-	100,000	-	-	-	100,000
165	FALSE	C03498	Wells Parade Reconstruction between Carinya Street	Roads	Renewal	-	370,000	-	-	370,000	-	4,900	4,900	365,100
166	FALSE	C03499	Wyburton Place and Clare Street Reconstruction	Roads	Renewal	-	35,000	-	-	35,000	-	-	-	35,000
167	FALSE	C03431	Gemalla Road Reconstruction	Roads	Renewal	(10,638)	1,230,000	-	-	1,219,362	605	-	605	1,218,757
168	FALSE	C03501	Van Morey Road Safety Improvements	Roads	New	-	-	-	-	-	64,267	11,861	76,128	(76,128)
169				Roads		-	-	-	-	-	-	-	-	-
170	TRUE	C90006	Access ramps	Roads	New	-	20,000	-	-	20,000	-	-	-	20,000
171						-	-	-	-	-	-	-	-	-
172	TRUE	C90002	2020/21 Resheeting Program	Roads	Renewal	-	615,000	-	(615,000)	-	-	-	-	-
173	FALSE	C03398	Old Bernies Road - Resheet	Roads	Renewal	70,028	-	-	-	70,028	3,105	59,880	62,985	7,043
174	FALSE	C03399	Snug Falls Road - Resheet	Roads	Renewal	-	-	-	-	-	1,444	-	1,444	(1,444)
175	FALSE	C03400	Dulcia Road - Resheet	Roads	Renewal	22,696	-	-	-	22,696	-	4,913	4,913	17,783
176	FALSE	C03484	Lawless Road - resheet	Roads	Renewal	-	-	-	107,000	107,000	-	34,434	34,434	72,566
177	FALSE	C03485	Moodys Road - resheet	Roads	Renewal	-	-	-	74,000	74,000	-	22,956	22,956	51,044
178	FALSE	C03486	Thompsons Road - resheet	Roads	Renewal	-	-	-	76,000	76,000	-	22,956	22,956	53,044
179	FALSE	C03487	Cox Road - resheet	Roads	Renewal	-	-	-	125,000	125,000	-	40,173	40,173	84,827
180	FALSE	C03488	Whittons Road - resheet	Roads	Renewal	-	-	-	233,000	233,000	-	76,520	76,520	156,480
181				Roads	Renewal	-	-	-	-	-	-	-	-	-
182						-	-	-	-	-	-	-	-	-
183	TRUE	C90001	2020/21 Resealing Program	Roads	Renewal	-	1,000,000	-	(1,000,000)	-	-	-	-	-
184	TRUE	C03392	Sandfly Road - Huon Hwy to Allens Rivulet Rd	Roads	Renewal	-	-	-	-	-	270	-	270	(270)
185	TRUE	C03478	Channel Hwy - Orana Place to HN 227 - reseal	Roads	Renewal	-	-	-	28,000	28,000	-	-	-	28,000
186	TRUE	C03479	Willowbend Rd - Summerleas Rd to Olivia Crt - re	Roads	Renewal	-	-	-	102,000	102,000	-	-	-	102,000
187	TRUE	C03480	Foley Road - reseal	Roads	Renewal	-	-	-	51,000	51,000	-	-	-	51,000
188	TRUE	C03481	Wells Parade - Roslyn Ave to Derwent Ave - resea	Roads	Renewal	-	-	-	45,000	45,000	-	-	-	45,000
189	TRUE	C03482	Wells Parade - Persall Ave to Nyuna Rd - reseal	Roads	Renewal	-	-	-	53,000	53,000	-	-	-	53,000
190	TRUE	C03483	Manuka Road - reseal	Roads	Renewal	-	-	-	44,000	44,000	-	-	-	44,000
191				Roads	Renewal	-	-	-	-	-	-	-	-	-
192	FALSE	C03395	Prep works 2021/22	Roads	Renewal	80,500	-	-	-	80,500	-	-	-	80,500

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					Carry Forward	2021/22	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
193	FALSE	C03433	Nolan Cres - Freesia Crt to Willow Bend Rd	Roads	Renewal	15,217	-	-	115,000	130,217	9,123	-	9,123	121,094
194	FALSE	C03434	Kunama Drive - Jindabyne Rd to Dorset Drive	Roads	Renewal	16,206	-	-	47,000	63,206	12,021	4,012	16,033	47,173
195	FALSE	C03435	Hutchins St - Auburn Rd to Dorset Drive	Roads	Renewal	5,000	-	-	82,000	87,000	3,810	-	3,810	83,190
196	FALSE	C03436	Dayspring Drive - Van Morey to No. 19	Roads	Renewal	(388)	-	-	19,000	18,612	-	-	-	18,612
197	FALSE	C03437	Culbara Rd	Roads	Renewal	(4,921)	-	-	33,000	28,079	-	82	82	27,997
198	FALSE	C03438	Slattery's Rd Junction	Roads	Renewal	9,000	-	-	-	9,000	-	100	100	8,900
199	FALSE	C03439	Dulcia Road	Roads	Renewal	33,000	-	-	13,000	46,000	-	-	-	46,000
200	TRUE	C90015	Various heavy patching and junction sealing - resc	Roads	Renewal	-	-	-	368,000	368,000	-	-	-	368,000
201														
202					2,466,697	6,881,000	-	-	-	9,347,697	601,044	1,942,853	2,543,896	6,803,801
203														
204	FALSE	C03161	Community Road Safety Grant - Driving Simulator	Other	Renewal	-	-	-	-	-	5,366	-	5,366	(5,366)
205														
206					-	-	-	-	-	-	5,366	-	5,366	(5,366)
207														
208	FALSE	C03026	Algona Road Stage 1 SW Upgrade	Stormwater	50% R / 50% U	-	-	-	-	-	138	-	138	(138)
209	FALSE	C03241	Burwood Drive stormwater upgrade	Stormwater	50% N / 50% R	38,786	-	-	-	38,786	182	-	182	38,604
210	FALSE	C03242	Leslie Road Stormwater Upgrade	Stormwater	New	79,801	-	-	-	79,801	-	-	-	79,801
211	FALSE	C03250	Algona Road Stage 2 SW Upgrade-design only	Stormwater	50% N / 50% R	12,842	-	-	-	12,842	-	-	-	12,842
212	FALSE	C03251	Hillside Drive Stormwater Upgrade	Stormwater	50% N / 50% R	15,562	235,000	-	-	250,562	130	3,120	3,250	247,312
213	FALSE	C03354	Pit replacement & upgrade 2021/22	Stormwater	50% N / 50% R	-	50,000	-	-	50,000	1,108	149	1,257	48,743
214	FALSE	C03355	Algona Road Stage 2 Stormwater Upgrade - Re-line	Stormwater	Renewal	378,411	-	-	-	378,411	76	284,541	284,616	93,795
215	FALSE	C03356	Beach Road, Kingston Stage 2 Stormwater Upgrade	Stormwater	Upgrade	-	-	-	-	-	-	18,133	18,133	(18,133)
216	FALSE	C03357	Boronia-Sherburn-CBD Stormwater Survey	Stormwater	New	54,416	-	-	-	54,416	2,588	35,805	38,393	16,023
217	FALSE	C03359	Coffee Creek Hydraulic Assessment	Stormwater	New	-	-	-	-	-	187	-	187	(187)
218	FALSE	C03361	Flinders Esp Stormwater EXTENSION	Stormwater	New	21,903	-	-	-	21,903	607	15,510	16,117	5,786
219	FALSE	C03362	Flowerpot Outlet Improvements	Stormwater	New	-	26,000	-	-	26,000	-	-	-	26,000
220	FALSE	C03363	Harpers Road Stormwater Upgrade - ROAD ONLY	Stormwater	New	146,362	-	-	-	146,362	-	131,944	131,944	14,418
221	FALSE	C03364	Leslie Road (vic 48) Stormwater Upgrade	Stormwater	50% R / 50% U	61,029	-	-	-	61,029	-	65,875	65,875	(4,846)
222	FALSE	C03365	Margate Rivulet Hydraulic Assessment	Stormwater	New	37,017	-	-	-	37,017	1,012	12,194	13,206	23,811
223	FALSE	C03367	Pear Ridge, Margate Stormwater Upgrade	Stormwater	New	21,947	-	-	-	21,947	9,563	780	10,343	11,604
224	FALSE	C03368	Roslyn-Pearsall-Wells-Ocean Stormwater Survey	Stormwater	New	-	-	-	-	-	188	-	188	(188)
225	TRUE	C03370	Talbots Road Culvert Upgrades (vic 146)	Stormwater	New	-	-	-	-	-	912	-	912	(912)
226	FALSE	C03371	Jindabyne Road stormwater improvements	Stormwater	New	-	-	-	-	-	405	-	405	(405)
227	FALSE	C03372	Kingston Heights vicinity of house number 37	Stormwater	New	-	-	-	-	-	360	-	360	(360)
228	FALSE	C03374	Timbertop Drive Stormwater Upgrade	Stormwater	New	47,871	-	-	-	47,871	-	53,908	53,908	(6,037)
229	FALSE	C03414	Van Morey Rd Culvert Upgrades	Stormwater	New	-	-	-	-	-	-	3,134	3,134	(3,134)
230	FALSE	C03419	Bishop Davies to Kingston Green Stormwater link	Stormwater	New	115,677	-	-	-	115,677	-	92,860	92,860	22,817
231	FALSE	C03451	Andersons Rd Culvert Upgrade (Intersect with Huon I	Stormwater	New	-	-	-	-	-	5,317	5,541	10,858	(10,858)
232	FALSE	C03452	Andersons Rd (vic 127) Culvert Upgrade	Stormwater	New	-	-	-	-	-	909	368	1,276	(1,276)
233	FALSE	C03442	Flinders Esplanade - vic 35, 35A - Construct Only	Stormwater	New	1,000	51,000	-	-	52,000	17,146	-	17,146	34,854
234	FALSE	C03443	Bundalla Catchment Investigation	Stormwater	New	1,000	38,000	-	-	39,000	181	-	181	38,819
235	FALSE	C03450	Denison Street Wetlands Upgrade	Stormwater	Upgrade	736	30,000	-	-	30,736	63	-	63	30,673
236	FALSE	C03093	Garrett St Stg 1 SW Upgrade	Stormwater	Upgrade	(15,293)	374,000	-	-	358,707	2,208	-	2,208	356,499
237	FALSE	C03449	Kingston Depot Wash Down Bay	Stormwater	New	1,000	40,000	-	-	41,000	-	12,290	12,290	28,710
238	FALSE	C03448	Kingston Wetlands Upgrade	Stormwater	Upgrade	1,000	200,000	-	-	201,000	-	-	-	201,000
239	FALSE	C03424	Meath Avenue, Tarooma SW Upgrade	Stormwater	Upgrade	(7,158)	468,000	-	-	460,842	2,820	-	2,820	458,022
240	FALSE	C03444	Roslyn-Pearsall-Wells Catchment Investigation	Stormwater	New	1,000	37,040	-	-	38,040	-	-	-	38,040
241	FALSE	C03445	Van Morey-Frosts Road	Stormwater	New	1,000	15,000	-	-	16,000	-	-	-	16,000
242	FALSE	C03446	Victoria Avenue Erosion Risk Assessment	Stormwater	New	1,000	35,000	-	-	36,000	-	-	-	36,000
243	FALSE	C03447	Woodlands-View-Hazell Catchment Invest incl Surve	Stormwater	New	1,000	76,670	-	-	77,670	314	-	314	77,356
244	FALSE	C03500	Alens Rivulet Road Footway Improvements	Stormwater	Upgrade	-	45,000	-	-	45,000	65	-	65	44,935

KINGBOROUGH COUNCIL
CAPITAL EXPENDITURE TO 31/07/2021

Closed	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget						Actual			Remaining
					Carry Forward	2021/22	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
245			Stormwater		-	-		-	-	-	-	-	-	-
246														
247					1,017,909	1,720,710	-	-	-	2,738,619	46,478	736,151	782,629	1,955,990
248	B00000	Capital Balancing Account	Other											
249	OC	On costs on capital project						-		-		-		-
TOTAL CAPITAL EXPENDITURE					12,890,993	11,787,210	-	-	-	24,678,203	1,005,766	4,681,721	5,687,487	18,990,716

	Budget	Actual incl Commitments
Renewal	7,922,560	2,071,086
Upgrade	4,376,615	342,087
New	4,037,796	1,500,446
	16,336,881	3,913,619
Kingston Park New	5,396,437	1,681,598
Bruny Island Tourism grant New	1,256,220	10,586
City Deal funding	1,860,000	-
Local Roads and Community Infrastructure	(171,334)	81,685
	24,678,204	5,687,488

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

**KINGSTON PARK
CAPITAL EXPENDITURE TO 31/07/2021**

	Budget & Carried Forward Expenditure	Actual	Commit- ments	Total	Variance
Overall Project budget (yet to be allocated)	2,000,000				2,000,000
C00688 KP Boulevard Construction	0	0	0	0	0
C00689 KP Pandalote Parade Design & Construction	46,122	0	0	0	46,122
C00690 KP Community Hub Design	52,343	0	196	196	52,147
C00691 KP Open Space Design (Playstreet)	41,311	0	0	0	41,311
C01606 KP Parking Strategy	(2,000)	0	0	0	(2,000)
C03179 KP Temporary Car Park	108,556	0	86,172	86,172	22,384
C01618 Boulevard Construction Stage 1A	318,096	0	419,340	419,340	(101,244)
C01627 KP Site - Land Release Strategy	(51,227)	2,816	0	2,816	(54,043)
C01628 KP Site - General Expenditure	39,352	7,981	9,239	17,220	22,132
C03069 KP Community Hub Construction	63,324	0	142,253	142,253	(78,929)
C03175 KP Community Hub Plant & Equipment	(1,824)	0	3,837	3,837	(5,661)
C03173 KP Public Open Space - Playground	331,286	1,598	554,374	555,972	(224,686)
C03277 KP Public Open Space - Stage 2	2,522,815	53,208	333,650	386,858	2,135,957
C03293 Pandalote Parade Northern Section (TIP)	340,200	0	0	0	340,200
C03278 KP Perimeter shared footpath	0	0	0	0	0
C03174 KP Public Open Space - Hub link to Playground	(446)	0	0	0	(446)
C03279 KP Boulevard Construction Stage 1B	(5,354)	3,005	0	3,005	(8,359)
C03306 KP Road F design and construct	(362,183)	360	50,559	50,919	(413,102)
C03280 KP Stormwater wetlands	(43,934)	7,010	6,000	13,010	(56,944)
Total	5,396,437	75,978	1,605,620	1,681,599	3,714,838

18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

RECOMMENDATION

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

Confirmation of Minutes

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

Applications for Leave of Absence

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

Rates Delegated Authority April to June 2021

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	
Rates Delegated Authority April to June 2021	

CLOSURE

Public Copy

APPENDIX

- A Organisational Development Quarterly Report (June 2021)
- B Kingborough Waste Services Bi-monthly Report
- C Infrastructure Works Report: May to July 2021
- D Councillor Attendance at Meetings 1 July 2020 - 30 June 2021
- E Councillor Remuneration and Expenses 2020/21
- F Donations 2020/21
- G Quarterly Summary Action Report to June 2021

A ORGANISATIONAL DEVELOPMENT QUARTERLY REPORT (JUNE 2021)

Author: Pene Hughes, Executive Manager Organisational Development

Authoriser: Gary Arnold, General Manager

1. Work Health and Safety (WHS)

- 1.1 Council is committed to providing a safe and healthy work environment. Incidents and WHS performance statistics are reviewed regularly by Council's Executive Management Team. It should be noted that the following workers compensation statistics include KWS which is covered under Council's workers compensation insurance policy.
- 1.2 Council's workers compensation claims experience has seen a continuation of the current year's premium rate. According to Council's insurance broker, the premium is rate is well below that of many of our Council peers and below the suggested premium rate reported by the Tasmanian WorkCover Board. This has resulted in a significant cost savings to Council and reflects the strong focus on safety across the workforce.

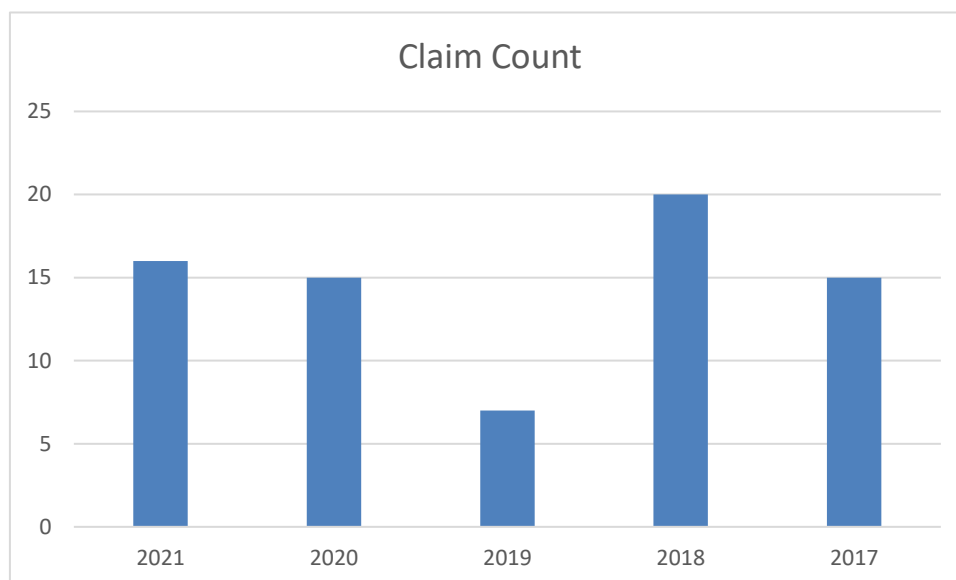


Table 1: Number of Workers Compensation Claims (by financial year)

The new workers compensation claims for the period 1 April 2021 to 30 June 2021 include:

1. Strained back (claim closed)
2. Twisted knee from fall (claim closed)
3. Strained back from machinery operation (claim closed)
4. Elbow injury from manual handling (claim open)
5. Knee strain and concussion from fall (claim closed)

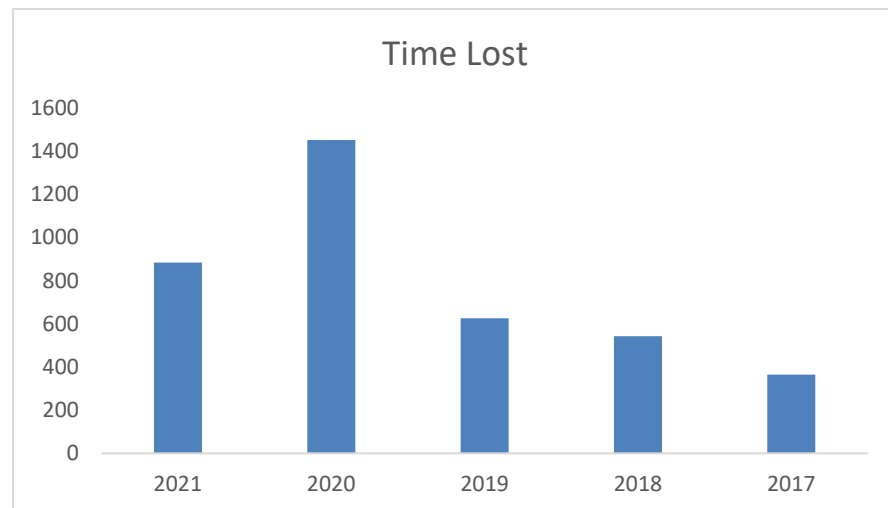


Table 2: Workers Compensation Lost Time in Hours (by Financial Year)

			FY2020	FY2021
Total	Recordable	Injury	28.83	25.23
Frequency Rate				
Lost Time Injuries			9	7
Medical Treatment Injuries			0	1

Table 3: WHS Indicators – Comparison between Financial Year 2021 and Financial Year 2020

Notes to Table 3:

- a) **Total recordable injury frequency rate** is all Medical Treatment Injuries and Lost Time Injuries divided by the total hours worked for the same period multiplied by one million hours.
- b) **Lost time injuries** are any injuries where a worker has lost more than one full shift/day of work.
- c) **Medical Treatment Injuries** are injuries which required medical treatment from physician or other medical personnel, but there was no lost time.

1.3 WHS activities

- a) A risk register has been developed for the operations of the Community Hub and the risk register for the Kingborough Sports Centre is being reviewed and updated by a specialist safety consultant.
- b) The COVID-19 Safety Plans for all Council worksites were reviewed in May. The contact tracing procedures have also been updated by the Senior Environmental Health Officer following recent changes to the requirements announced by the State Government.
- c) Council's Coordinator Community Resilience has developed a plan for emergency procedures and identified functions which are critical to the operations of the organisation during a mandated COVID-19 lock-down.

2. Employee Indicators

2.1 Employee Numbers

At the end of June 2021, Council employed 177.1 Full Time Equivalents (FTE) as show in Table 4, below.

Type of Employment	Number of FTEs
Casual Employees	2 FTEs
Full Time Employees	139.0 FTEs
Part Time Employees	36.2 FTEs

Table 4: FTEs by employment category

2.2 Recruitment

For the period 1 April 2021 to 30 June 2021, five new employees commenced work with Council, and six employees finished employment. The reasons for the resignations were:

- Retirement – 1 employee
- Private Enterprise – 2 employees
- Further tertiary education - 1 employee
- Personal/health reasons – 1 employee
- State Service – 1 employee

2.3 All Employees – Unplanned Leave

Unplanned leave absences are shown in Table 5. The days include paid personal sick/carer's leave and paid pandemic leave. Council continues to provide paid pandemic leave for employees who are required to have a COVID-19 test. This leave was introduced in May 2020 and is capped at 10 days. Personal sick leave is higher in June 2021 as compared to June 2020. This is most likely due to the impact of employees working from home during the restricted operations in mid-2020 and being less exposed to seasonal illnesses, as well as employees being asked not to attend work if they are unwell.

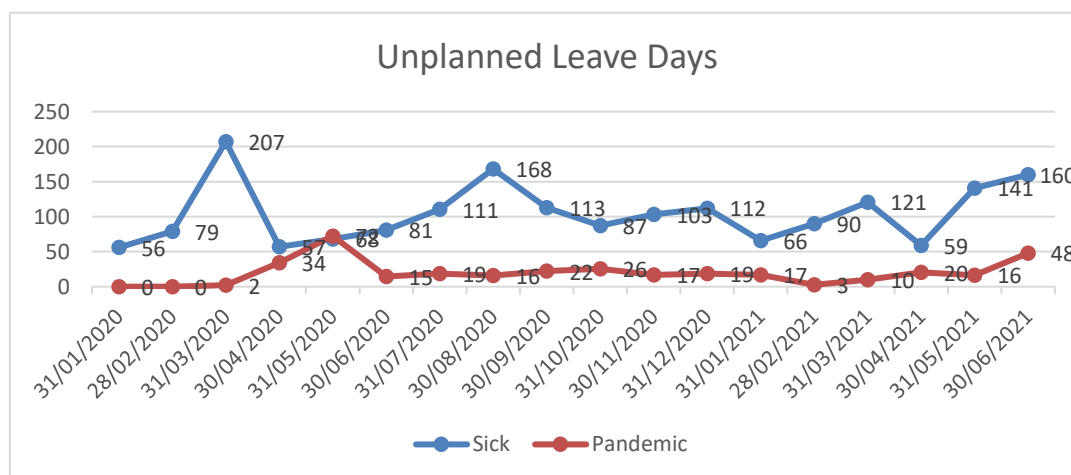


Table 5: Unplanned Leave Absences

2.4 Training and Development

Council is committed to supporting staff in furthering their careers and learning opportunities. The training focus for the quarter has been on compliance and work health and safety. During the last quarter, training sessions have included manual handling for the outdoor workforce, discrimination law, emergency control organisation and first aid.

2.5 Industrial Relations

Negotiations have continued for a new Agreement to replace the *Kingborough Council Enterprise Agreement No 9 of 2017*. The proposed Agreement is scheduled for an employee vote on 5 August 2021.

Public Copy

B KINGBOROUGH WASTE SERVICES BI-MONTHLY REPORT**File Number: 12.180****Author: David Reeve, Director Engineering Services****Authoriser: Gary Arnold, General Manager**

Attached to this information report are the minutes of the Board meeting held on 26 May 2021 and 27 July 2021, included are the financial reports up to the end of June 2021 and the Waste Management Strategy Progress Report.

FINANCE

The Profit and Loss Statement for the year-to-date period up to 30 June 2021 resulted in an operational surplus of \$224,764. The result is \$144,288 more than the budgeted surplus of \$80,476.

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	271,638	186,909	84,730	26,388
February	207,969	193,782	14,187	33,364
March	229,078	205,136	23,942	22,860
April	202,242	205,163	(2,921)	342
May	233,919	219,978	13,941	4,064
June	195,179	201,963	(6,785)	14,021
Total	2,661,859	2,437,096	224,764	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	39,610	84,730	45,120
February	22,795	14,187	(8,608)
March	15,982	23,942	7,960
April	9,374	(2,921)	(12,295)
May	329	13,941	13,612
June	(4,763)	(6,785)	(2,022)
Total	80,476	224,764	144,288

Variances of note for the 2020/21 year to date include the following:

Item	Positive Impact	Negative Impact	Comments
Income	\$	\$	
General waste	49,000		More waste received than expected.
Timber	17,000		More timber received than expected.
Reuse shop sales	54,000		Sales well above budget.
Metal sales	62,000		Revenue obtained – noting that no revenue was originally budgeted for this year because of market uncertainties.
Kerbside collection charges	44,000		More waste received than expected.
Bruny disposal charges	26,000		More waste received than expected.
Expenditure	\$	\$	
Salaries	149,000		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		130,000	Additional agency staff employed to cover staff on leave or retired.
Transport costs – Copping		34,000	More waste to be taken to Copping than expected.
Copping Disposal costs		18,000	More waste to be taken to Copping than expected.
Maintenance		24,000	Purchase of new heaters following safety audit, plus new boom gate and repairs to a compressor, recycling area upgrades.
Green Waste costs		30,000	Increased amounts of green waste and timber collected

WASTE TRANSFER STATION SITE ACTIVITIES

Site Management

- The new contract for Supply and Transport of Bins to Barretta and Bruny Island commenced 1 May 2021 with the current contractor Spectran Environmental Management the successful Tenderer.
- The new contract for Haulage to Copping and Trailer maintenance commenced 1 May 2021 with the current contractor BE Morey Transport the successful Tenderer.
- Modifications to the recycling area were carried out during May to allow for the installation of a sixth recycling bin in the sawtooth area.
- The refurbishment of the Re-Use shop toilets was completed during May.

Communication

- May and June Re-Use shop adverts in the Chronicle.
- Waste and recycling pages on the Council website updated to the new format.
- Currently liaising with the Glenorchy City Council, the Cleanaway recycling centre and Claremont College on the creation of a short film on the recycling process from collection to manufacturing of new products.
- Two short videos on Home Composting and Worm Farms have been developed for the Council website.
- A series of short videos titled “No Waste Nothing” has been created and placed on the Council website to address the many ways that community members can avoid sending waste to landfill.

Environmental Management

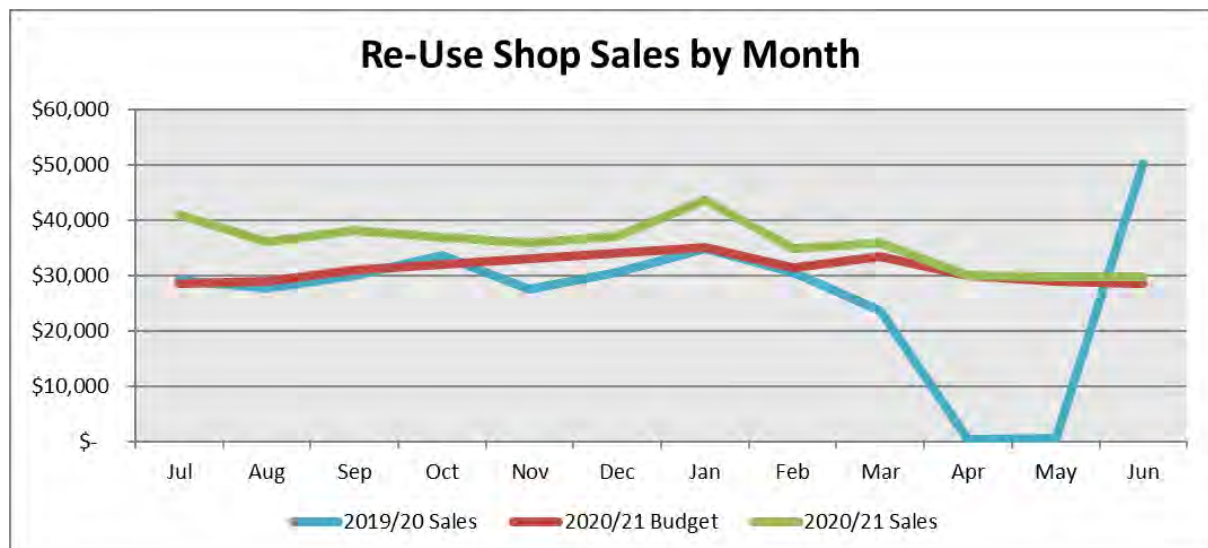
- **CMA Eco-cycle** – 116kg of Fluorescent Tubes and Globes, 72kg of X-Rays and 219kg of household batteries were recycled through the Eco-cycle program during May and June 2021.
- **Drum Muster** - The Barretta Waste Transfer Station is set up to register Drum Muster collections electronically. This enables greater accuracy with reporting and when processing claims and invoices through the scheme. 127 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 2,005kg collected during May and a further 1,400 kg collected during June for a total of 14,620kg over the past 12 months enabling a saving of \$80,000 over the previous arrangement. The KWS agreement with Paintback has now been extended until 31 July 2031.
- **E-Waste** - The Tech Collect E-Waste stewardship program continued with a total of 1,980kg collected during May and a further 1,340kg during June for a total of 33,540kg over the past 12 months.

The following figures show the yearly trends for both general waste and green waste.





The reuse shop has had another strong year with sales and transactions being significantly higher than 2019/20 resulting in an increase in profits of over \$110K.



	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	577.07	502.91	536.53	501.22	477.85	448.06	6091.80
Kerbside General Waste	495.98	472.53	486.66	493.61	468.85	529.95	490.94	436.97	511.54	479.61	437.33	456.74	5760.71
Kerbside Recycling	211.97	177.07	189.26	186.06	183.16	213.18	199.59	177.12	203.39	183.92	170.00	176.47	2271.19
Kerbside Green Waste	0.00	0.00	0.00	237.65	227.16	201.52	165.22	155.85	157.54	140.62	126.43	119.88	1531.87
Weight from Sawtooth	109.23	117.93	139.25	130.79	137.56	152.05	156.38	109.91	125.86	113.91	126.75	105.85	1525.48
Shop In	33.38	35.39	44.64	40.40	23.72	26.28	19.48	19.95	18.32	37.80	19.19	25.52	344.07
Green Waste	212.57	207.28	220.54	217.97	277.07	246.54	269.55	185.65	207.54	158.24	261.26	176.64	2640.84
Diverted Timber Waste	15.27	17.25	21.74	21.03	24.95	25.02	26.81	36.35	38.32	34.19	29.96	23.18	314.07
Diverted X-Ray/L-Glo/H-Bat	0.29	0.00	0.34	0.00	0.28	0.34	0.00	0.42	0.00	0.00	0.00	0.41	2.07
Diverted Non Ferrous	14.60	1.88	7.40	6.59	1.86	9.01	2.62	11.16	5.62	8.42	5.38	6.60	81.14
Diverted Oil	0.80	1.80	1.80	1.74	2.20	2.80	2.60	3.15	2.30	1.50	4.70	2.35	27.74
Diverted Paint	0.99	0.81	0.98	1.21	1.30	1.85	0.73	1.21	0.48	1.61	2.05	1.40	14.62
Diverted Tyre/Gas	0.30	0.46	0.58	0.38	0.53	0.44	0.46	0.49	0.29	0.45	0.59	0.53	5.50
Diverted E-Waste	2.89	2.56	4.01	2.10	3.88	2.98	4.20	2.48	2.17	2.95	1.98	1.34	33.54
Monthly Total In	1594.70	1488.34	1575.95	1839.60	1886.55	2017.46	1915.65	1643.62	1809.90	1664.44	1663.46	1544.96	20644.65
To Copping	899.16	790.62	879.04	903.92	894.46	1032.80	895.94	860.58	920.24	909.38	808.00	828.80	10622.94

The following table outlines the waste received up to the end of June 2021 and that which is transported to Copping and other diversions.

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	53	42%	44.01%	21.32%	22.01%	24.26%	22.08%	26.29%
February	48	46%	45.19%	21.49%	24.24%	23.22%	26.11%	30.33%
March	49	43%	47.37%	19.42%	24.44%	23.62%	25.18%	28.34%
April	45	42%	43.0%	25.84%	25.63%	21.50%	23.25%	26.36%
May	51	43%	43.09%	31.12%	19.85%	18.41%	24.05%	25.16%
June	46	45%	42.25%	23.9%	22.7%	24.97%	17.86%	35.32%
TOTAL	49%	43%	42.56%	24.21%	22.89%	21.73%	23.72%	26.60%

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Totals
	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
Product Diverted													
Kerbside Recycling	211.97	177.07	189.26	186.06	183.16	213.18	199.59	177.12	203.39	183.92	170.00	176.47	2271.19
Kerbside Green Waste	0.00	0.00	0.00	237.65	227.16	201.52	165.22	155.85	157.54	140.62	126.43	119.88	1531.87
Diverted WTS	93.26	135.29	66.37	89.76	108.42	102.65	172.07	79.30	127.83	71.45	107.18	76.00	1229.58
Diverted Metal	54.69	65.43	75.95	70.43	68.71	74.04	67.02	51.66	60.65	57.94	63.26	53.40	763.19
Diverted MRF	31.21	29.91	30.03	33.03	43.29	49.90	42.07	29.10	38.64	29.26	28.03	30.68	415.15
Diverted Glass	23.33	22.59	33.27	27.33	25.56	28.11	47.29	29.15	26.57	26.71	35.46	21.77	347.14
Diverted Shop	33.38	35.39	44.64	40.40	23.72	26.28	19.48	19.95	18.32	37.80	19.19	25.52	344.07
Diverted Green Waste	212.57	207.28	220.54	217.97	277.07	246.54	269.55	185.65	207.54	158.24	261.26	176.64	2640.84
Diverted Timber Waste	15.27	17.25	21.74	21.03	24.95	25.02	26.81	36.35	38.32	34.19	29.96	23.18	314.07
Diverted X-Ray/L-Glo/H-Bat	0.29	0.00	0.34	0.00	0.28	0.34	0.00	0.42	0.00	0.00	0.00	0.41	2.07
Diverted Non Ferrous	14.60	1.88	7.40	6.59	1.86	9.01	2.62	11.16	5.62	8.42	5.38	6.60	81.14
Diverted Oil	0.80	1.80	1.80	1.74	2.20	2.80	2.60	3.15	2.30	1.50	4.70	2.35	27.74
Diverted Paint	0.99	0.81	0.98	1.21	1.30	1.85	0.73	1.21	0.48	1.61	2.05	1.40	14.62
Diverted Tyre/Gas Bottle	0.30	0.46	0.58	0.38	0.53	0.44	0.46	0.49	0.29	0.45	0.59	0.53	5.50
Diverted E-Waste	2.89	2.56	4.01	2.10	3.88	2.98	4.20	2.48	2.17	2.95	1.98	1.34	33.54
Total Diverted	695.54	697.72	696.91	935.68	992.09	984.66	1019.71	783.04	889.66	755.06	855.46	716.16	10021.71
Diverted (%)	44%	47%	44%	51%	53%	49%	53%	48%	49%	45%	51%	46%	49%

ATTACHMENTS

1. Financial report
2. Waste Management Strategy report
3. KWS minutes

Financial reports up to the end of June 2021







The Profit and Loss statements and the Balance Sheet are provided in detail for June 2021.








	JUNE 2021			YTD June 21			Annual Budget
	Actual	Budget	Var	Actual	Budget	Var	
USER CHARGES							
General Waste	56,640	53,500	3,140	749,892	701,000	48,892	701,000
Tyres / Gas Bottles	1,019	837	182	9,137	10,000	(863)	10,000
Green Waste	17,117	15,000	2,117	240,024	240,000	24	240,000
Timber	2,603	1,500	1,103	35,024	18,000	17,024	18,000
Metal	1,864	1,500	364	25,151	18,000	7,151	18,000
	79,243	72,337	6,906	1,059,228	987,000	72,228	987,000
RECYCLING SALES							
Reuse Shop Sales	29,709	28,500	1,209	429,036	375,000	54,036	375,000
Non Ferrous Metal Sales	4,368	2,500	1,868	33,235	30,000	3,235	30,000
Metal Sales	0	0	0	62,009	0	62,009	0
Recycling Sales	0	0	0	0	0	0	0
	34,077	31,000	3,077	524,281	405,000	119,281	405,000
COUNCIL RECHARGES							
Kerbside Collection Charges	48,300	45,500	2,800	627,680	583,750	43,930	583,750
Bruny Island Disposal Charges	12,319	8,000	4,319	164,121	138,000	26,121	138,000
Bruny Island Operational Revenue	14,079	14,081	(2)	168,951	168,950	1	168,950
Free G/Waste - Foregone Revenue	0	0	0	32,417	32,000	417	32,000
Waste Management	6,750	6,925	(175)	81,000	83,100	(2,100)	83,100
	81,449	74,506	6,943	1,074,170	1,005,800	68,370	1,005,800
SUNDRY CHARGES	410	0	410	4,181	0	4,181	0
TOTAL REVENUE	195,179	177,843	17,336	2,661,860	2,397,800	264,060	2,397,800
EMPLOYEE COSTS							
Salaries	61,523	77,154	15,631	796,851	945,913	149,062	945,913
Agency Staff	10,749	5,578	(5,171)	197,803	67,866	(129,937)	67,866
Sundry Staff Expenses	155	450	295	2,244	5,400	3,156	5,400
Staff Training	2,080	800	(1,280)	3,589	7,100	3,511	7,100
Protective Clothing	0	100	100	11,055	9,000	(2,055)	9,000
	74,507	84,082	9,575	1,011,541	1,035,279	23,738	1,035,279
DISPOSAL COSTS							
Disposal Costs - Copping	30,176	22,110	(8,066)	333,605	315,000	(18,605)	315,000
Transport Costs - Copping	22,047	13,667	(8,380)	228,925	194,670	(34,255)	194,670
Disposal Costs - Recycling	578	462	(116)	7,281	5,555	(1,726)	5,555
Disposal Costs - Glass/Bottles	281	600	319	6,998	7,200	202	7,200
Disposal Costs - Cardboard	1,816	1,295	(521)	24,864	16,870	(7,994)	16,870
Disposal Costs - Tyres/Gas Bottles	2,359	650	(1,709)	18,688	7,800	(10,888)	7,800
Disposal Costs - Concrete/Cleanfill	0	0	0	1,500	1,500	0	1,500
Disposal Costs - Metal	0	0	0	0	0	0	0
Disposal Costs - Hazardous Waste	0	1,000	1,000	854	12,000	11,146	12,000
	57,257	39,784	(17,473)	622,714	560,595	(62,119)	560,595
GREEN WASTE COSTS							
Green Waste Mulching	12,522	11,000	(1,522)	143,523	132,000	(11,523)	132,000
Timber Mulching	3,700	1,600	(2,100)	38,050	19,200	(18,850)	19,200
	16,222	12,600	(3,622)	181,573	151,200	(30,373)	151,200
HIRE & MAINTENANCE							
Barretta Bin Hire and Movement	5,071	5,275	204	69,362	70,400	1,038	70,400
Bruny Bin Movement & Sundry	9,368	5,840	(3,528)	125,440	108,680	(16,760)	108,680
Plant Hire(Council)	6,500	6,500	0	78,000	78,000	0	78,000
Plant Hire External	2,387	1,625	(762)	16,058	19,500	3,442	19,500
Maintenance	7,878	10,500	2,622	33,243	18,200	(15,043)	18,200
MV/Plant Fuel & Registration	2,885	1,150	(1,735)	12,592	15,800	3,208	15,800
	34,090	30,890	(3,200)	334,696	310,580	(24,116)	310,580
OTHER EXPENSES							
Office Expenses	10,012	5,200	(4,812)	77,026	70,850	(6,176)	70,850
Advertising	95	510	415	6,677	6,120	(557)	6,120
Insurance - Public Liability	0	0	0	16,355	15,945	(410)	15,945
Insurance - Workers Comp	0	0	0	17,538	16,275	(1,263)	16,275
Board Expenses	2,000	2,000	0	18,150	18,000	(150)	18,000
Corporate Services Overhead	6,867	6,800	(67)	82,404	81,600	(804)	81,600
Waste Management Activities	913	740	(173)	68,421	50,880	(17,541)	50,880
Doubtful Debts Expense	0	0	0	0	0	0	0
	19,887	15,250	(4,637)	286,571	259,670	(26,901)	259,670
TOTAL EXPENSES	201,963	182,606	(19,357)	2,437,095	2,317,324	(119,771)	2,317,324
NET PROFIT/(LOSS)	(6,785)	(4,763)	(2,022)	224,764	80,476	144,288	80,476








Balance Sheet as at June 2021

	CURRENT MONTH	JUNE 2020
Assets		
General Cheque Account	796,566	952,259
Cash on Hand	2,700	2,700
Sundry Debtors	97,480	129,392
Less Provision for Doubtful Debts	(6,344)	(6,344)
Accrued Revenue	0	0
GST Receivable	13,676	0
GST Clearing	0	(11,843)
Workers Comp Recovery	0	0
Property, infrastructure, plant and equi	6,733	0
Suspense Account	0	0
Total Assets	910,810	1,066,164
Liabilities		
Trade Creditors	143,177	99,612
GST Collected	19,538	0
Accrued Expenses	139,850	197,770
Payroll Liabilities	10,078	11,124
Annual Leave Liability	87,562	81,033
Long Service Leave Liability	41,557	32,341
Kingborough Council Loan	0	0
Total Liabilities	441,761	421,880
Net Assets	469,049	644,284
Equity		
Retained Earnings	244,284	479,662
Current Earnings	224,764	164,622
Total Equity	469,049	644,284

Waste Management Strategy Progress Report

Goal	Project Description	Comment	Progress
1. Increased waste avoidance and reduction			
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 7,406 properties registered for the service. Preparations are continuing on the transitioning to a full FOGO service commencing 5 October 2021. An introduction letter and information flyer will be posted to all properties on the current green waste service in late July.	
Support and promote community gardens and at home composting.	Community Gardens and Home Composting.	A Home Composting guide has been developed and printed with a workshops held on 21 October 2020 and 24 March 2021. A home composting page has been created for the Council website. Two short videos on Home Composting and Worm Farms are being developed for the Council website.	
2. Increased recycling rates			
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 7,427 properties registered for the service. Preparations are continuing on the transitioning to a full FOGO service commencing 5 October 2021	
	Fortnightly 240l comingled recycling bin.	The transition to a standard 240l recycling bin will commence 1 July 2021	
	Expanding the kerbside collection service.	Ongoing, consultation with property owners as requests to extend the service are received.	
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
Review viability of implementing kerbside FOGO collections.	Advertising and media releases.	Website, Newspaper, social media and mail out to affected property owners.	
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. The agreement between Paintback and KWS has been extended to 31 July 2031.	
3. Best practice and resource recovery infrastructure			
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 against neighbouring waste transfer stations and Re-Use Shops to ensure best practise outcomes.	
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.	
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 and 2021-22 financial years.	
	Installation of public place recycling bins.	Ongoing, The project to install public place recycling enclosures on Bruny Island has been completed. Enclosures have also been installed at the Kingston Hub with the program to be expanded further along Kingston Beach and to the Blackmans Bay Beach foreshore.	
4. Efficient and sustainable governance			
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.	

Goal	Project Description	Comment	Progress
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.	
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			
Roll out ongoing and periodic measurement of community satisfaction with waste services.	Waste services survey	Ongoing, surveys, social media	
Develop a waste avoidance and new/expanded services education program.	Kerbside collection calendar.	Waste and Recycling guide developed and delivered to coincide with the transition to a kerbside FOGO service.	
	A draft concept garden plan has been developed for Barretta to promote home composting.	Commencement of the construction of the garden is scheduled for July.	
Expand participation in product stewardship (takeback) schemes at council facilities.	Advertising and media releases.	Website, Newspaper and social media.	
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.	

KWS Minutes for 26 May 2021

1. Opening

A Meeting of the Directors of Kingborough Waste Services Pty Ltd was held on Wednesday 26 May 2021 at the Company Offices, 15 Channel Highway, Kingston commencing at 9.30 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 (via Teleconference); Dean Street

3. 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 Director Engineering Services with the Kingborough Council; and
- b. Tim Jones, in his position as Manager Finance with the Kingborough Council.

4. Approval of the Agenda

KWS262/59-21

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.

The Board Resolved: *that the Agenda is amended to include:*

Item 8.2 – Regional Waste Management Group and State Initiatives Update

Item 8.3 – Councilor Workshop Update

5. Previous Minutes

KWS263/59-21

The Minutes of Board Meeting No. 58 of Thursday 1 April 2021 were attached.

The Board Resolved: *That the Minutes of Board Meeting No. 58 of Thursday 1 April 2021 be confirmed.*

6. Business Arising from the Minutes

- i. The Board Action List was discussed, it was noted that Kerbside Bin Audit report was now available on the Council website on the Kerbside Collection page and The Urban EP Waste Avoidance and Reduction Plan was due to be completed by the end of June.

7. General Business

7.1 Financial Reports for Kingborough Waste Services Pty Ltd

KWS264/59-21

The March 2021 and April 2021 Profit and Loss Financial Reports, Balance Sheet and the Budget Forecast were discussed KWS made a profit of +\$217k for the period July to April 2021 with the Main contributing factors being General Waste +\$40k above budget, Kerbside collection +\$39k above budget, unbudgeted Metal sales +\$33k and the Re-Use Shop sales +\$52k above budget, it was noted that in the Month of April the Re-Use shop did not make Budget for the first time this year but only missed it \$100. Disposal cost were - \$27k above budget mainly due to Transport costs to Copping and Green waste Costs - \$24K above budget due to Timber mulching.

The Board Resolved: *That the Profit and Loss Financial reports for Kingborough Waste Services Pty Ltd for March 2021 and April 2021, the Balance Sheet as of 30 April 2021 and the Budget Forecast for the period be received and noted.*

7.2 Operational Report

KWS265/59-21

The March 2021 and April 2021 operational report from the Manager KWS was discussed of interest was a short film being created in collaboration with Glenorchy City Council and Claremont College students on the Recycling process from collection to manufacturing and a video on Home Composting would soon be on Council website. Training was up and running again with a recent incident involving asbestos highlighting the need for additional Asbestos training. A further incident involving the forklift and a customer has identified the need to reduce or remove the interaction between the forklift and customers. The Board agreed to a review of the Re-Use Shop layout and racking systems to remove the need for the forklift to be interacting with customers. Annual leave accruals were discussed and it was noted that some staff would need to take leave to reduce the accruals to within 10 weeks for staff that cannot provide leave dates Director Jones and Manager KWS to prepare a letter advising them of their leave to be taken or the option of having some leave paid out.

The Board Resolved: *That the March 2021 and April 2021 operational report of the Manager Kingborough Waste Services be received and noted*

7.3 Service Level Agreement Report

KWS266/59-21

The March 2021 and April 2021 Service Level Agreement Report from the Manager KWS was discussed the changes to the template for KPI reporting for both the Kerbside collection and public place bin contractors was included in the report. Mainland Public Place bin contractor was still not reaching their KPI and it was noted that the contract is due to expire in January 2022. The Kerbside Green Waste service is still increasing with 7,406 properties registered on the service, a letter will be sent out in June 2021 notifying the residence of the changes in October 2021 when the full FOGO service starts. The Waste Management Strategy reporting format was discussed and noted that a new format would be reviewed by Director Reeve and Manager KWS that would look to include all the action items from the strategy with the status and summary. The new Kingston Beach Foreshore enclosures all are still awaiting final delivery before they can be scheduled for installation.

The Board Resolved: *That the March 2021 and April 2021 Service Level Agreement Report of the Manager Kingborough Waste Services be received and noted.*

8. Other Business**8.1 IPM WHS Inspection Audit**

The inspection audit was discussed and noted that only a small number of items needed actioning compared to the last independent audit. The actionable items to be included in the Board action List.

8.2 Regional Group Update

An update on the regional groups was given, of interest was a discussion on the possibility of a delay in the rollout of the Waste Levy and CRS due to the recent state election. Southern Waste regional group is looking at recycling options in the state with the current Cleanaway contract due to expire. The statewide organic waste report being done by the EPA that will help outline strategy and options is due to be finalized late 2021.

8.3 Council Workshop Update

A discussion was had on the Council workshop and a number of questions raised were noted for the Boards consideration.

9. Date and Place of Next Meeting

The arrangements for the next meeting are Tuesday 27 July 2021 at the Company Offices, 15 Channel Highway, Kingston commencing at 9.30 a.m. unless resolved otherwise.

10. Closure

There being no further business, the Chair called the meeting closed at 11.43 a.m.

KWS Minutes for 27 July 2021

1. Opening

A Meeting of the Directors of Kingborough Waste Services Pty Ltd was held on Tuesday 27 July 2021 at the Company Offices, 15 Channel Highway, Kingston commencing at 9.32 a.m.

2. Attendance

- a. Present: Debra Mackeen – Chairperson/Director; Bob Calvert – Director; Tim Jones – Director
- b. Apologies: David Reeve - Director
- c. Non Director Attendees: Stuart Baldwin; Dean Street

3. 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 Director Engineering Services with the Kingborough Council; and
- b. Tim Jones, in his position as Manager Finance with the Kingborough Council.

4. Approval of the Agenda

KWS267/60-21

The Board Resolved: that the Agenda is amended to remove

Item 8.1 - Update on Urban EP Report Surrounding GHG Strategies

Item 8.2 - Update on Regional State Initiatives Draft Waste Avoidance and Reduction Plan

5. Previous Minutes

KWS268/60/21

The Minutes of Board Meeting No. 59 of Wednesday 26 May 2021 are attached.

The Board Resolved: That the Minutes of Board Meeting No. 59 of Wednesday 26 May 2021 be confirmed.

6. Business Arising from the Minutes

The Board Action List was discussed; The Re-Use Shop has had a new gate installed closer to the sorting area to remove the interaction of the forklift in the yard with the public while shop bins are being delivered during opening hours. Further investigation into improving the Re-Use shop Safety and Design is being undertaken with a look to relocate the Drop off area for donations to the shop directly and it was also noted that a 5-year plan for the Re-Use shop requirements should be developed with Safety in Design principles being adopted throughout the process. Asbestos awareness training had been done and the Asbestos SOP had been updated but it was noted the SOP had no mention of wetting down first recommended that the SOP be updated to include Wetting Down the Suspected Material first.

Leave accruals were discussed no letter had to be sent to employees requiring to take leave as sufficient leave has been booked and in one case some leave being paid out to reduce the leave accruals to within 10 weeks within a suitable time frame however it was recommended that a letter should be developed should it be required in the future.

All actionable Items from the previous IPM WHS Audit have been actioned with the purchase of Corrosives, Flammables and Toxic substance storage units.

7. General Business

7.1 Financial Reports for Kingborough Waste Services Pty Ltd

KWS269/60-21

The May 2021 and June 2021 Profit and Loss Financial Reports, Balance Sheet and the Budget Forecast were discussed the year-to-date 2020/21, KWS made a profit of +\$225k, which was significantly better than budget +\$80k. The main contributors for this were Re-Use Shop sales +\$54k above budget, Metal Sales +\$62k unbudgeted. The Balance sheet was discussed, and Director Jones recommended a discussion to be had at the next KWS Board Meeting on the Dividend to be paid to Council.

The Board Resolved: That the Profit and Loss Financial reports for Kingborough Waste Services Pty Ltd for May 2021 and June 2021, the Balance Sheet as of 30 June 2021 and the Budget Forecast for the period be received and noted.

7.2 Operational Report

KWS270/60-21

The May 2021 and June 2021 operational report from the Manager KWS was discussed; Of interest, the Re-Use shop garden is now complete and an option to have the garden maintained by a contractor on a regular basis that could also potentially offer Educational sessions onsite to the public on composting & garden maintenance is being investigated. The compactor ram that is to be replaced will require a shutdown of the walking floor for a day Kerbside collection waste will be sent to Lutana for that day other waste from the public will still be handled. The home composting videos are now on the Council website, and it was discussed that the videos and other public information might be displayed on a screen in the Re-Use shop. Paintback conducted a recent compliance inspection of the site and happy with KWS's performance have now extended the contract until 31 July 2031. It was also noted that in 12 months the reduced exposure of workers compensation was quite significant an emphasis on the need for being safe at work should be commended the board noted that they would like to present a gift to all staff for their efforts in the past 12 months.

The Board Resolved: That the May 2021 and June 2021 operational report of the Manager Kingborough Waste Services be received and noted

7.3 Service Level Agreement Report

KWS271/60-21

The May 2021 and June 2021 Service Level Agreement Report from the Manager KWS was discussed; The Public place Bins at Roberts Point are yet to be installed awaiting the completion of the Ferry Terminal upgrade. The public place bin contracts were discussed and whether to extend, however, due to the inclusion of Public Place Recycling new contracts would need to be put in place. The recycling difficult items enclosure is being built to be reinstated at the Civic Centre and two new programs to commence in August are The Schools program to be rolled out to Schools within Kingborough will start its initial contact with the Schools in August to gauge interest and numbers and The Aspire for businesses program will be launching early in August.

***The Board Resolved:** That the May 2021 and June 2021 Service Level Agreement Report of the Manager Kingborough Waste Services be received and noted.*

8. Other Business

8.1 SLA Meeting Preparatory Discussion

The Annual Plan to be done by Manager KWS in preparation for the SLA Meeting 28 September 2021 and distributed to the Board for further discussion out of session.

8.2 2021/22 Budget Approval

***The Board Resolved:** That the KWS 2021/22 Budget be adopted*

8.3 Asbestos SOP Updated

The Asbestos SOP was discussed as part of business arising.

9. Date and Place of Next Meeting

The arrangements for the next meeting are 24 September 2021 9:00am at the Company Offices 15 Channel Highway Kingston.

10. Closure

There being no further business the chair declared the meeting closed at 11:50.am

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C INFRASTRUCTURE WORKS REPORT: MAY TO JULY 2021**File Number: 25.9****Author: Anthony Verdouw, Executive Officer Engineering Services****Authoriser: David Reeve, Director Engineering Services****Contracted Capital Projects****1. Tower Court reconstruction (LRCI Grant):**

Reconstruction of Tower Court has recently been completed by Statewide Earthworks.

To address underlying instability and a repeat of premature pavement failure, a concrete pavement has been used instead of a sealed granular pavement. This approach created longer property access restrictions for residents during construction, however, appropriate consultation and advance notification to residents allowed the works to be completed safely and harmoniously for all concerned.

**2. Harpers Road stormwater:**

Works are scheduled to commence on stormwater upgrades and new pipeline installation works to mitigate current overland flow and flooding issues in the area.



3. Beach Road, Kingston footpath – Church Street to Roslyn Avenue:

Works are currently underway to widen the Beach Road footpath between Church Street and Roslyn Avenue. These works have presented challenges due to the site constraints and traffic volumes through the work area. Such considerations are taken into account in the planning and delivery phases of projects, requiring an appropriate balance to be struck between reducing the daily impacts and inconvenience to the travelling public, whilst also performing the works safely and quickly so as to minimise the overall construction and disruption timelines.



4. Beach Road, Kingston Beach footpath – Osborne Esplanade to Recreation Street:

Footpath upgrades along Beach Road, from Osborne Esplanade intersection westwards to Recreation Street have recently been completed. These works align with the overarching Kingston Beach masterplan, which has been progressively implemented over the last 10 years in line with annual budget deliberations.

While these particular works have resulted in a minor reduction in available car parking spaces, this has been offset through the aesthetic improvements, increased traffic safety in the vicinity, and greater pedestrian access and inclusivity through the area.



5. Osborne Esplanade pedestrian crossing and DDA ramp:

The new pedestrian threshold across the Esplanade, and provision of the new DDA compliant rampway access to the beach is currently underway. These works are being performed by MS Civil, and will continue over the August/September period.



6. Kingston Beach sailing club carpark:

Construction activities are nearing completion on this project being undertaken by De Klein Constructions. Work has involved the re-construction and sealing of the existing car park, and repair to the adjacent rock revetment wall and beach access pathway. As part of these works, a new outdoor shower and kayak washdown stand are also being provided.



Before



In Construction

7. Missionary Road, Barnes Bay revetment wall stabilisation:

Repair of the existing failed rock revetment wall is being undertaken, in conjunction with a height increase to the road pavement. The road is currently subject to wave attack and overtopping in larger storm swell events. These works will ensure the long-term protection against wave attack and preservation of this transport corridor against projected sea level rise.

Coastal asset and infrastructure protection works such as these do, however, come at a cost, both financially, aesthetically and environmentally. The need for coastal armouring and infrastructure protection has been sporadic and piecemeal to date, however, this conversation will likely become increasingly louder in coming years as buffer zones diminish and sea levels rise. These costs need to be more broadly discussed and better understood to ensure community acceptance with the decision-making process.



The failing rock wall



New revetment under construction

8. Alonnah footpath:

The construction of a gravel pathway extending from the Alonnah pontoon south through to Murphys Creek is approaching completion. The pathway will provide much safer pedestrian connectivity along the Bruny Island Main Road corridor, linking the main developments and residential areas within the Alonnah precinct.



9. Groombridges Road reconstruction:

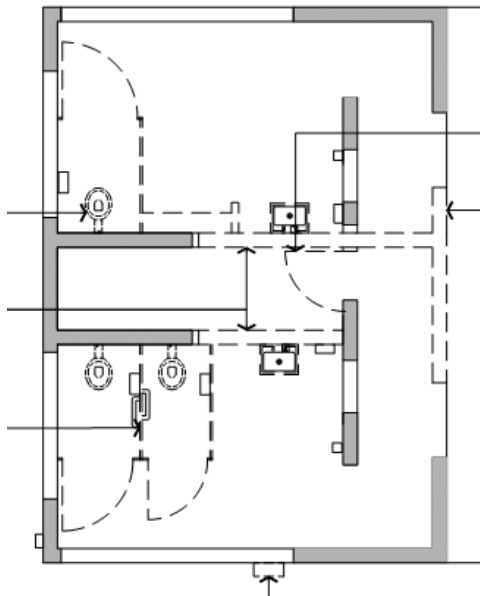
Site activities are well underway to construct and seal the section of Groombridges Road heading up the hill from the Oxleys Road junction. Compliance with appropriate road design standards for road use safety has required relocation of adjacent service assets (Telstra & Tasnetworks) This has resulted in a higher than usual level of clearing of adjacent roadside. High conservation value vegetation was identified and protected as part of the design and construction process, and the designs modified or vegetation worked around where possible.



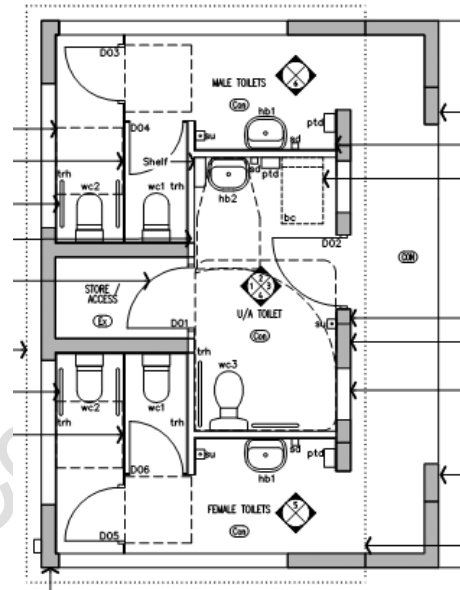
10. Dennes Point toilet upgrades

Design work for the planned upgrades at the existing Dennes Point Toilet has been completed, which will see internal modifications undertaken to provide a DDA compliant universally accessible cubicle, and a general facility make-over along similar lines to the recent works at Blackmans Bay beach toilets.

Retrofit of existing facilities such as those poses difficulties and limitations on what may ultimately be achieved. In this instance, the design has been developed in conjunction with Michael Small, a professional access consultant, to achieve the optimum outcome for the facility.



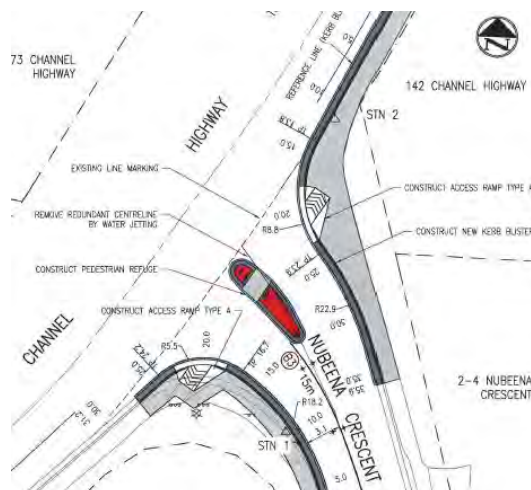
Existing floor plan



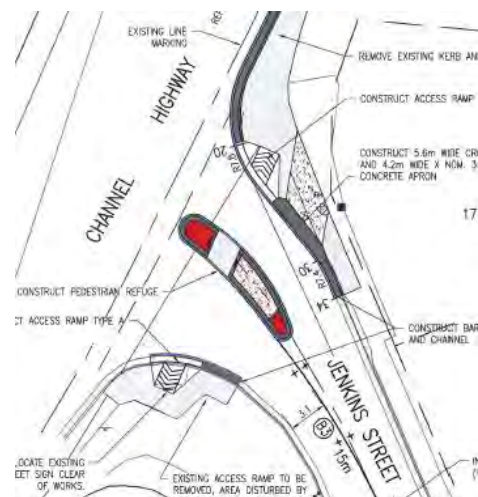
Proposed floor plan

11. Nubeena Crescent and Jenkins Street (LRCI Grant) pedestrian improvements:

Construction of central pedestrian refuge islands and general intersection reconfigurations is occurring at the junctions of Nubeena Crescent and Jenkins Street with the Channel Highway through Tarooma. These works are a continuation of upgrades which have been occurring along this route, to improve safety and accessibility for pedestrians.



Nubeena Crescent



Jenkins Street

Works Department – Works Recently Completed (Mainland Kingborough)

12. Betts Road – sight distance works at the bridge:



13. Pear Ridge, Margate (Capital Works) – stormwater upgrade:



14. Wingara Road, Howden – maintenance grading:



15. Old Bernies Road (Capital Works) – gravel resheeting:



16. Van Morey Road (Capital Works) – culvert upgrade:



17. Pelverata Road – table drain cleaning.

18. Gordon to Woodbridge – grading.

19. Margate – cleaning blocked culverts.

20. Taroona Crescent – pavement repairs:



21. Leslie Road (Capital Works) – asphalt shoulder and drain works:



22. Kingston View Drive – carpark works at the Mountain Bike Park:



23. Dave Burrows – walkway repaired after recent high winds blew over a large Gum tree:



24. Settlers Park – canopy reduction works undertaken:



25. Huntingfield – tree was removed as it was causing issues with street lighting and was lifting the pavement:



26. Halls Track Road – roadside vegetation trimming of dangerous Wattle trees. They were also causing sight distance issues:



27. Kingston Hub – training Wisteria vines on the main building:



28. Mary Knoll Track – recent maintenance works completed:



29. Old Bernies Road – roadside trimming and stump grinding.
 30. Manuka Road – roadside trimming.
 31. Sandfly Oval – removed Black Gum as the trunk was splitting.
 32. 240 Redwood Road – removed dead tree.
 33. Hawthorn Drive – removed four dead trees from the reserve
 34. Amethyst Drive – removed dead tree from the reserve.
 35. Tarroona Park – replaced picnic tables:



Works Department – Works Recently Completed (Bruny Island)

36. Alonnah Foreshore – installed upgraded signage:



37. Adventure Bay Road (Capital Works) – re-alignment works:



38. Apollo Bay – maintenance grading.

39. Dillons Road – drain cleaning.

40. Lighthouse Road, Whaymans Road - maintenance grading as required.

41. Senior Citizens Hall – roof and stormwater repairs, new gutter, fascia, and barge capping:



42. Sandfly Community Hall – toilet and floor upgrades:



Works Department – Works Underway / Planned (Mainland Kingborough)

43. Riverdowns Drive and Wandanea Place – footpath maintenance repairs.
44. Nolan Crescent, Wandanea Place and Channel Highway, Taroona (Capital Works) – kerb and gutter repairs.
45. Kingston Swale – tree trimming to be undertaken on 10th August.
46. Longley Cricket Pavilion – LRCI grant funded structural recovery works underway; roof and wall cladding renewal, electrical infrastructure upgrade, public amenities upgrade, access stair compliance and water storage renewal:



47. Van Morey Road (Capital Works) – safety improvements including road widening and sight distance:



48. Margate Men's Shed (Capital Works) – preparations for sealing of a section of the carpark.



49. Capital Works – resealing to be undertaken by Downer:

- Old Channel Highway, Tarooma
- Kunama Drive, Blackmans Bay
- Hutchins Street, Kingston
- Nolan Crescent, Kingston
- Foley Road, Kingston

50. Capital Works – gravel resheeting, culvert upgrades and tree trimming:

- Coxs Road, Middleton
- Whittons Road, Kettering
- Lawless Road, Margate

51. Summerleas Road – table drain cleaning.

52. Kettering – maintenance grading.

53. Balmoral Reserve (Commonwealth Grant) – new track under construction:



54. Fehres Road – tree trimming and removal.

Works Department – Works Underway / Planned (Bruny Island)

55. Adventure Bay – maintenance grading of gravel roads in the area.
56. Nebraska Road (Capital Works) – constructing a new red gravel footpath.

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D COUNCILLOR ATTENDANCE AT MEETINGS 1 JULY 2020 - 30 JUNE 2021

The following table details Councillor attendances at Council meetings, S.23 Committees and Workshops during the year.

	Council		Special Meetings		Audit Panel		Workshops		Leave of Absence Approved during the period
	Number Held	Number Attended	Number Held	Number Attended	Number Held	Number Attended	Number Held	Number Attended	
Mayor Cr Dean Winter <i>(resigned wef 15/5/2021)</i>	19	18	1	1	3		21	18	8/4/2021 - 1/5/2021
Deputy Mayor Cr Jo Westwood	22	21	2	2	3	1	23	21	14/1/2021 – 29/1/2021
Cr Sue Bastone	22	21	2	2	3		23	20	6/12/2020 – 13/12/2020; 18/4/2021 - 24/4/2021
Cr Gideon Cordover	22	20	2	2	3		23	23	15/3/2021 - 12/4/2021; 1/4/2021 - 24/4/2021; 21/4/2021 - 1/5/2021
Cr Flora Fox *	22	21	2	2	3	3	23	23	18/1/2021 - 22/1/2021
Cr David Grace	22	16	2	1	3		23	8	
Cr Amanda Midgley	22	20	2	2	3		23	22	1/10/2020 - 7/10/2020; 5/4/2021 - 15/4/2021
Cr Christian Street *	22	21	2	1	3	2	23	21	
Cr Steve Wass	22	20	2	1	3		23	19	12/10/2020; 21/11/2020 - 14/12/2020
Cr Paula Wriedt	22	20	2	1	3		23	18	24/1/2021 – 2/2/2021

* Audit Panel Member

Note: Special Meetings also includes the Annual General Meeting
Council Minute C390/14-12 determined that Councillor Attendance and Approved Leave of Absences be reported.

E COUNCILLOR REMUNERATION AND EXPENSES 2020/21**Councillor Allowance and Expense Table for period 1 July 2020 to 30th June 2021**

Councillor	Mayoral Allowance \$	Deputy Mayoral Allowance \$	Councillor Allowance \$	Councillor Expenses						Total \$
				Mileage Claimed \$	Mayor's Vehicle Mileage \$	Bruny Ferry \$	Internet & Telephone \$	Conference & Meeting Attendance \$	Code of Conduct \$	
Mayor Cr Winter	58,979	-	25,803	-	5,127	54	-	1,255	-	\$ 91,218
Deputy Mayor Cr Westwood	-	20,925	30,115	-	-	-	433	638	-	\$ 52,111
Cr Bastone	-	-	30,115	-	-	-	-	-	-	\$ 30,115
Cr Cordover	-	-	30,115	-	-	-	-	-	-	\$ 30,115
Cr Fox	-	-	30,601	1,720	-	-	992	709	-	\$ 34,021
Cr Grace	-	-	30,601	3,452	-	184	880	709	5,274	\$ 41,099
Cr Midgley	-	-	30,115	-	-	-	-	642	-	\$ 30,757
Cr Street	-	-	30,115	-	-	-	-	-	-	\$ 30,115
Cr Wass	-	-	30,297	-	-	38	-	-	-	\$ 30,335
Cr Wriedt	-	-	30,601	-	-	-	74	-	-	\$ 30,675
Code of Conduct Complaints	-	-	-	-	-	-	-	-	362	\$ 362
TOTAL	\$ 58,979	\$ 20,925	\$ 298,478	\$ 5,172	\$ 5,127	\$ 276	\$ 2,379	\$ 3,952	\$ 5,635	\$ 400,923

Notes:

The following Councillors have declined to take the 2020 Allowance increase for the following periods:

Nov 20 - Jun 21 Cr Winter, Cr Westwood, Cr Bastone, Cr Cordover, Cr Midgley and Cr Street

Feb - June 2021 Cr Wass

Bruny Ferry = cost of fares at \$38 per trip from 01/11/2018

Council Minute C390/14-12 determined that Councillor Allowances and Expenses paid under the "Payment of Councillors Expenses and Provision of Facilities" Policy be reported.

Bruny Ferry costs are also included as required in Minute GF101/6-12

NUMBER OF CODE OF CONDUCT COMPLAINTS DETERMINED

	Number of Complaints			Cost of Complaints
	Number	Upheld	Dismissed	
Cr Grace	1	1		\$5,274.00
Dismissed Complaints	1		1	\$361.50

F DONATIONS 2020/21

Donations Table

For period 1 July 2020 to 30th June 2021

MAYORAL DONATIONS





Name	Amount	Description
Taroona Community Association	\$ 200.00	Contribution towards solar lights
Taroona High School	\$ 200.00	Contribution towards school scholarship program
Bruny Bowls & Community Club	\$ 200.00	Contribution towards community bus
Jireh House Association	\$ 500.00	Contribution towards Housing Expansion Project
Singers of Southern Tasmania	\$ 100.00	Contribution towards fundraiser for concert
Bicycle Network Incorporated	\$ 150.00	Contribution towards 2021 treasure hunt
S.H.E. Gynaecological Cancer Group	\$ 250.00	Ticket for Gala Dinner to raise funds for wellness centre
Bruny Island Community Association	\$ 400.00	Contribution towards Bruny Island Easter Carnival
Kingborough Community Missions	\$ 500.00	Food Aid Program Contribution
West Winds Community Association	\$ 250.00	Contribution towards Lantern Parade
	\$ 2,750.00	
Annual Budget	\$ 3,300.00	Budget reduced for revised policy moving Citizenship Awards to Donations

COUNCIL POLICY DONATIONS

Name	Amount	Description
Blackmans Bay Primary School	\$ 100.00	Contribution - School Citizenship Award 2020
Bruny Island District School	\$ 100.00	Contribution - School Citizenship Award 2020
Calvin Christin Primary School	\$ 100.00	Contribution - School Citizenship Award 2020
Calvin Christin Secondary School	\$ 100.00	Contribution - School Citizenship Award 2020
Illawarra Primary School	\$ 100.00	Contribution - School Citizenship Award 2020
Kingston High School	\$ 100.00	Contribution - School Citizenship Award 2020
Margate Primary School	\$ 100.00	Contribution - School Citizenship Award 2020
Snug Primary School	\$ 100.00	Contribution - School Citizenship Award 2020
Southern Christian College	\$ 100.00	Contribution - School Citizenship Award 2020
St Aloysius Catholic College - Primary	\$ 100.00	Contribution - School Citizenship Award 2020
St Aloysius Catholic College - Secondary	\$ 100.00	Contribution - School Citizenship Award 2020
Taroona High School	\$ 100.00	Contribution - School Citizenship Award 2020
Woodbridge School	\$ 100.00	Contribution - School Citizenship Award 2020
Channel Christian School	\$ 100.00	Contribution - School Citizenship Award 2020
Tarremah Steiner School	\$ 100.00	Contribution - School Citizenship Award 2020
Taroona Primary School	\$ 100.00	Contribution - School Citizenship Award 2020
Kingston Primary School	\$ 100.00	Contribution - School Citizenship Award 2020
Neve Hagan	\$ 100.00	Contribution - Attendance at Australian Athletics Championships
Ben Korotki	\$ 100.00	Contribution - Attendance at Australian Athletics Championships
Niamh Bawle	\$ 100.00	Contribution - Attendance at U18
Riley Fenn	\$ 100.00	Contribution - Attendance at National Gymnastics Championship
Hollie Nash	\$ 100.00	Contribution - Attendance at Australian U18 Jnr Basketball Championships
Rebecca Direen	\$ 100.00	Contribution - Attendance at National Championships/Olympic Trials - Shotput
Oscar Newbury	\$ 200.00	Contribution - Attendance at Rowing and Rugby Championship
Marno Van Doller	\$ 100.00	Contribution - Attendance U16 Rugby State Team
Emma Morton	\$ 100.00	Contribution - Pony Club National Championships
	\$ 2,700.00	
Annual Budget	\$ 11,700.00	Budget increased for revised policy moving Citizenship Awards from Donations

- Council makes Donations under section 77 of the Local Government Act 1993 which states that "Council may make a Grant ... for any purpose it considers appropriate". "The details of any grant made ... are to be included in the annual report of the council" Section 77 (2).

G QUARTERLY SUMMARY ACTION REPORT TO JUNE 2021

Key to Status Symbols			
			
None	On Target	Ahead of Schedule	Ongoing

	Result			YTD Result			
Description	Target %	Actual %	Status	Target %	Actual %	Status	Comment
1.1 A Council that engages with and enables its community							
Executive Management 2020 - 2025							
1.1.1 Implement the Corporate Engagement Framework to provide a consistent approach to community engagement across the organisation	100	100	●	100	100	●	
1.1.5 Support the operations of the Kingborough Community Consultative Committee as a means of receiving feedback on Council's policies, strategies and projects	100	100	●	100	100	●	
1.3.1 Support the operations of the Kingborough Community Resilience Working Group to promote a safe, sustainable and resilient community through practical planning for risk mitigation, preparedness	100	0	→	100	0	→	The group did not operate during 2020/21.
Community Services 2020 - 2025							
1.1.2 Implement the Kingborough Youth Strategy 2019-2024 to ensure the needs, issues and aspirations of young people in our community are embedded into program delivery by Council	100	100	●	100	100	●	The school holiday programs successfully delivered. Outreach and wellbeing programs undertaken included Youth Activities Program; Respectful Relationships; Young Women/Young Men's Program in collaboration with Kingston High. Youth afterschool workshops and the Get Ready for Work Program will recommence Term 3 after some slight modifications to the Whitewater Room. The Youth Action Network is meeting monthly.
1.1.3 Implement the Kingborough Positive Ageing Strategy 2018 to provide services and programs that meet the needs of older people in our community	100	100	●	100	100	●	We continue to provide appropriate support and activities relating to positive aging. Work on updating the Website is well progressed, to be completed next quarter. LiveWell LiveLong 10 week health education program ran at capacity April to June. A new series is planned for Sept/Nov.

	Result			YTD Result			
Description	Target %	Actual %	Status	Target %	Actual %	Status	Comment
1.2 An inclusive community that has a strong sense of pride and local identity							
Community Services 2020 - 2025							
1.2.1 Deliver a range of civic, cultural and community events that celebrate local attributes	100	80	➡	100	80	➡	While we could not deliver Live Loving Locally due to COVID impacts there have been a range of events through the Hub this quarter including the Park Opening Program of food vans, entertainment and markets and the Really Free Market. The Youth Arts Showcase took place and preparations undertaken for the Overwintering Exhibition. The Learning for Life Program delivered a range of community workshops and events in the areas of arts, crafts, health and wellbeing, nature play, dance and waste reduction. Most events were fully subscribed.
1.2.2 Implement the Arts and Events Strategy 2019-2023 as a framework for planning service delivery, advocacy and leadership for arts and culture	100	100	●	100	100	●	Public art works have been installed around Kingborough; the Youth Arts Showcase was a coordinated partnership with Youth Services and the NRM Team through the Stormwater to Sea Project; A welcoming Youth Art Wall is in place at Kingston Park, there is ongoing support for the KIN Creative Space and various arts and creative workshops conducted.
1.2.3 Maximise the usage of the Community Hub as a focal point for community activities	100	100	●	100	100	●	The use of the Hub has increased significantly, over and above the use as a COVID Vaccination Clinic. The Opening of the Playground provided the perfect launch pad for new activities, food vans, markets etc. The meeting spaces are being increasingly booked for AGMs, workshops etc and there are new exhibitions and events lined up for the Auditorium. The majority of the Learning for Life events have been provided from the Hub.
Development Services 2020 - 2025							
1.2.4 Prepare a Local Historic Heritage Code to protect the historic cultural heritage significance of places, precincts and landscapes	100	25	➡	100	25	➡	Lack of resource in this area has meant that it has not progressed. It is hoped some updates will be included in the LP amendment, the TPC have indicated that they do not want to support amendments outside of that process.

Description	Result			YTD Result			Comment
	Target %	Actual %	Status	Target %	Actual %	Status	
Property Management 2020 - 2025							
1.2.5 In partnership with local community groups, develop heritage trails and interpretative signage for areas of historical and cultural significance	100	100	●	100	100	●	
1.3 A resilient community with the capacity to flourish.							
Emergency Management 2020 - 2025							
1.3.1 Support the operations of the Kingborough Community Resilience Working Group to promote a safe, sustainable and resilient community through practical planning for risk mitigation, preparedness	100	0	→	100	0	→	In a COVID 19 environment, and noting the increased effectiveness of working with individual communities on projects, this group was disbanded.
Environmental Services 2020 - 2025							
1.3.2 Continue to develop and implement Council's Public Health Emergency Management Sub-Plan to guide the management of risks to the community	100	100	●	100	100	●	Being undertaken routinely
Community Services 2020 - 2025							
1.3.3 Operate the Kingborough Volunteer Program to assist older residents to continue to live in the community with dignity	100	100	●	100	100	●	Tracking well with increasing number of enquiries and registrations from potential clients. Increased number of volunteers after National Volunteer Week advertising.
1.3.4 Enhance organisational support for volunteering opportunities and recognise and celebrate volunteers in the community	100	100	●	100	100	●	Kingborough Awards ceremony was conducted in January.
1.3.5 Provide support to community groups through a transparent and targeted provision of grants for community based projects	100	100	●	100	100	●	Round 2 successfully completed.
1.4 A Council that acknowledges the existence of a climate change and biodiversity emergency and has in place strategies to respond							
Environmental Services 2020 - 2025							
1.4.1 Implement the Kingborough Climate Change Action Plan 2019-2024 to reinforce Council's commitment to understanding climate change, the risk it poses and response strategies	100	100	●	100	100	●	Being undertaken as resourcing permits
1.4.2 Progress the development of an alternative energy precinct at the Barretta Waste Disposal Site	100	0	→	100	0	→	Awaiting development application from proponent

Description	Result			YTD Result			Comment
	Target %	Actual %	Status	Target %	Actual %	Status	
1.4.4 Develop and implement a strategy for reducing Council's carbon footprint	100	50	→	100	50	→	Some progress being made regarding waste reduction
Engineering Services 2020 - 2025							
1.4.3 Develop and Implement a Stormwater System Management Plan to address the management of the flood risk and within Council's urban drainage catchments	100	100	●	100	100	●	
Community Services 2020 - 2025							
1.4.5 Implement Council's Waste Wise Policy to encourage waste minimisation for events run by Council or conducted on Council premises	100	100	●	100	100	●	The 'no waste nothing' campaign videos were finalised and are now on website with FOGO information. All vendors in Kingston Park Food Van Pilot were asked to adhere to WasteWise Policy.
1.5 An active and healthy community, with vibrant, clean local areas that provide social, recreational and economic opportunities							
Kingston Park 2020 - 2025							
1.5.1 Complete the construction of the children's playspace within Kingston Park to provide recreational opportunities for children of all ages and abilities	100	100	●	100	100	●	
1.5.3 Subdivide and sell the designated land parcels in accordance with the Kingston Park project delivery agreement and in partnership with the developer, Traders in Purple	100	100	●	100	100	●	
Property Management 2020 - 2025							
1.5.2 Implement the Kingborough Open Space Strategy 2019 which provides direction on the planning, provision, development and management of public open space and recreational facilities in Kingborough	100	100	●	100	100	●	
Executive Management 2020 - 2025							
1.5.4 Implement the recommendations and strategies in the Bruny Island Destination Action Plan and Bruny Island Tourism Strategy	100	100	●	100	100	●	
Environmental Services 2020 - 2025							
1.5.5 Review and implement the Recreational Water Quality Management Strategy to improve the water quality of Council's beaches used for recreational activities	100	100	●	100	100	●	Being undertaken routinely

Description	Result			YTD Result			Comment
	Target %	Actual %	Status	Target %	Actual %	Status	
Engineering Services 2020 - 2025							
1.5.5 Review and implement the Recreational Water Quality Management Strategy to improve the water quality of Council's beaches used for recreational activities	100	100	●	100	100	●	
2.1 Service provision meets the current and future requirements of residents and visitors							
Governance 2020 - 2025							
2.1.3 Review and update Council's By-Laws to provide strong governance, transparency and accountability in the provision of Council's regulatory services	100	75	→	100	75	→	The review of the By-Laws is not yet complete.
Kingston Park 2020 - 2025							
2.1.1 Complete the public road and stormwater infrastructure required to complete the Kingston Park development	100	75	→	100	75	→	Goshawk Way and stormwater works not yet complete.
Executive Management 2020 - 2025							
2.1.2 Continue to lobby the State Government to improve public transport services within Kingborough	100	100	●	100	100	●	
2.1.5 Develop a process to measure community satisfaction with the delivery of infrastructure and services	100	100	●	100	100	●	
Works Department 2020 - 2025							
2.1.4 Develop service level standards for infrastructure assets	100	100	●	100	100	●	
2.2 Infrastructure development and service delivery are underpinned by strategic planning to cater for the needs of a growing population							
Property Management 2020 - 2025							
2.2.1 Implement the Kingston Congestion Package as outlined in the Greater Hobart City Deal Implementation Plan	100	25	→	100	25	→	Council has commenced implementation of its components of this package.
2.2.2 Develop and implement a CBD Masterplan and associated Central Kingston Parking Strategy	100	25	→	100	25	→	Implementation of the Kingston Place Strategy has commenced.
Engineering Services 2020 - 2025							
2.2.4 Deliver the annual infrastructure Capital Works program	100	100	●	100	100	●	

	Result			YTD Result			
Description	Target %	Actual %	Status	Target %	Actual %	Status	Comment
2.3 Community facilities are safe, accessible and meet contemporary standards							
Community Services 2020 - 2025							
2.3.1 Prepare Disability Access Toolkit to ensure Council's services, buildings and information is accessible to people with a disability	100	70	➡	100	70	➡	Further discussions due.
Property Management 2020 - 2025							
2.3.2 Implement the Kingborough Public Toilet Strategy and ensure effective provision, upgrading and maintenance of Council owned public toilets throughout the Municipal Area	100	100	●	100	100	●	
2.3.3 Develop a Playground Strategy to provide a comprehensive network of quality, accessible and well maintained playgrounds throughout Kingborough	100	100	●	100	100	●	
Works Department 2020 - 2025							
2.3.4 Develop a Building Maintenance Schedule and inspection regime to provide proactive maintenance of Council's buildings and community facilities	100	50	➡	100	50	➡	
Building Maintenance 2020 - 2025							
2.3.5 Implement schedule of inspections of community facilities	100	100	●	100	100	●	
2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability							
Works Department 2020 - 2025							
2.4.1 Develop a business improvement strategy using methodologies, such as Lean 6 Sigma, to deliver continuous improvement culture	100		—	100	5	➡	
Information Services 2020 - 2025							
2.4.2 Develop and deliver a Customer Service Strategy for the organisation	100		—	100	50	➡	
Executive Management 2020 - 2025							
2.4.3 Develop an operational plan which clearly articulates the values, key results areas, performance measures and deliverables for the organisation and that this plan is clearly conveyed to all employees	100	100	●	100	100	●	

Description	Result			YTD Result			Comment
	Target %	Actual %	Status	Target %	Actual %	Status	
2.4.4 Implement the Kingborough Council Leadership Framework for managers and supervisors as a key driver of continuous improvement and accountability	100	100	●	100	100	●	
Financial Services 2020 - 2025							
2.4.5 Review the Long Term Financial Plan to ensure the strategic actions identified in the Plan are delivered and implement strategies to improve the financial performance of the organisation	100	100	●	100	100	●	
2.5 Council is a desirable place to work, attracting committed and engaged staff through progressive human resource practices and a positive work environment							
Organisational Development 2020 - 2025							
2.5.1 Undertake negotiations for the 2020 Kingborough Council Enterprise Agreement	100	75	→	100	75	→	The employee vote for the Kingborough Council Enterprise Agreement No 10 of 2020 is scheduled for 5 August 2021.
2.5.2 Develop and implement the annual Workforce Plan which sets the priorities for workforce strategies, learning and development programs and resourcing capacity	100	100	●	100	100	●	The Annual Workforce Plan was updated in February 2021.
2.5.3 Undertake the biennial employee engagement survey and link the results into the Workforce Plan			●			●	Funding for the engagement survey was deferred until the 2021/22 budget and will be undertaken in early 2022.
2.5.4 Review the Council's Work Health and Safety Management Plan and System and deliver the identified WHS strategies to meet Council's obligations under the Work Health and Safety Act 2012 (Tas)	100	100	●	100	100	●	The WHS Management System was reviewed and updated in March 2021.
2.5.5 Implement and deliver an annual employee health and well-being program with a key focus delivering the community action plan for mental health	100	50	→	100	50	→	The delivery of the activities under the mental health plan were delayed by the restrictions around group events and training through COVID. In 2021/22 actions from the plan are now being implemented including the scheduled delivery of mental health first aid training in November 2021.
3.1 A Council that values and prioritises its natural environment, whilst encouraging investment and economic growth							
Development Services 2020 - 2025							
Environmental Services 2020 - 2025							
3.1.2 Review the Health and Environmental Services By-law to ensure that regulations provide appropriate protection for the natural environment	100	75	→	100	75	→	Staff have provided technical advice as required

Description	Result			YTD Result			Comment
	Target %	Actual %	Status	Target %	Actual %	Status	
3.1.3 Deliver biodiversity offset projects under the Kingborough Environmental Fund Implementation Plan 2019-2023	100	100	●	100	100	●	Environmental Fund projects delivered as per the plan. Conservation covenants being finalised by DPIPWE.
3.1.4 Manage the natural area reserve network through the development and implementation of both new and existing reserve management plans	100	75	➡	100	75	➡	Scheduled natural area reserve projects completed. New reserve plan for Alum Cliffs Reserve in progress
3.1.5 Continue to implement solutions to improve water quality and quantity impacts from stormwater in urban waterways	100	100	●	100	100	●	Waterway restoration projects completed at Whitewater Creek, Browns River, Mary Knoll and Margate Rivulet,
Compliance 2020 - 2025							
3.1.2 Review the Health and Environmental Services By-law to ensure that regulations provide appropriate protection for the natural environment	100	75	➡	100	75	➡	Review underway but not yet complete
3.3.2 Implement the Kingborough Dog Management Policy 2018 and provide education and enforcement of restrictions in areas with environmental values	100	100	●	100	100	●	
3.2 A community that has a well-developed sense of natural and cultural heritage							
Environmental Services 2020 - 2025							
3.2.2 Provide a variety of opportunities for the community to actively participate in the conservation and management of our natural areas, flora and fauna through on ground activities, contribution to	100	100	●	100	100	●	All scheduled community engagement events were completed as scheduled. These include citizen science and ecosystem restoration opportunities at Browns River saltmarsh, a bat walk for teenagers, community planting days at local reserves, Stormwater to Sea project for youth, penguin colony working bees and environmental programs with local schools.
3.2.3 Foster positive working relationships with landcare groups across the municipality, coordinating the network of volunteers to achieve good environmental outcomes	100	100	●	100	100	●	Ongoing support of Landcare groups working on Council land including WHS training opportunities, technical support, provision of plants and materials for revegetation, coastal monitoring support, weed control on Landcare sites.
3.2.4 Foster community interest and involvement in the management of invasive weeds through actions contained in the Weed Management Strategy 2017-2027	100	100	●	100	100	●	Targeted education campaigns for declared weeds including community signage, posters and flyers. Provision of weed advice as required through customer requests, support for community volunteers carrying out weed control on public land. New weed app that allows volunteers to report new and important weed sightings in the municipality.

Description	Result			YTD Result			Comment
	Target %	Actual %	Status	Target %	Actual %	Status	
3.2.5 Implement the North West Bay River Catchment Management Plan in partnership with the community and key land managers in the catchment	100	100	●	100	100	●	North West Bay River Catchment Plan community engagement project ongoing. Two films produced to showcase the connection of the river to locals and the key values and actions in the catchment plan. New Landcare group formed in the top end of the catchment.
3.3 Council is able to demonstrate strong environmental stewardship and leadership							
Engineering Services 2020 - 2025							
3.3.1 Implement the Kingborough Waste Management Strategy 2018 to deliver cost effective and efficient waste and recycling services to residents, improve recycling rates, reduce emissions and energy	100	100	●	100	100	●	
Environmental Services 2020 - 2025							
3.3.3 Support and lead environmental projects through the provision of technical advice and the provision of plants from Council's native nursery	100	100	●	100	100	●	10 000 native plants propagated and supplied to environmental restoration projects in natural area reserves and supporting reserves and works projects.
3.3.4 Manage the natural area reserve through the development and implementation of both new and existing reserve management plans	100	75	→	100	75	→	
3.3.5 Continue to provide leadership in responsible cat management by participating in Stage 2 of the Bruny Island Cat Management Project and implementing the Bruny Island Cat By-law	100	100	●	100	100	●	Projects being undertaken as per workplans
3.4 Best practice land use planning systems are in place to manage the current and future impacts of development							
Development Services 2020 - 2025							
3.4.1 Review the Kingborough Land Use Strategy	100	100	●	100	100	●	This has been completed and signed off by Council
3.4.3 Finalise the Local Provisions Schedule in order to enable the declaration of the new Kingborough Planning Scheme	100	75	→	100	75	→	We have done as much as we can, the ball is in the court of the TPC, we await direction for the next phases.
Environmental Services 2020 - 2025							
3.4.4 Progress implementation of the Barretta Environmental Management Plan	100	100	●	100	100	●	Being undertaken routinely
3.4.5 Implement the Kingborough Weed Management Strategy 2017-2027	100	100	●	100	100	●	Weed strategy projects ongoing including Ragwort biocontrol program, development of a

Description	Result			YTD Result			Comment
	Target %	Actual %	Status	Target %	Actual %	Status	
							weed calendar, collaboration with Derwent Estuary Weed and Huon Valley weed management groups. Strategic management of new and high threat weeds, community education program.
3.5 Management of environmental assets is based on professional advice and strategic planning							
Environmental Services 2020 - 2025							
3.5.2 Implement recommendations from the Coastal Hazards Prioritisation Project and Bushfire Risk Reduction Strategy for Council land	100	100	●	100	100	●	Being undertaken strategically
3.5.3 Contribute to projects that improve the health of local waterways and coastal areas through the D'Entrecasteaux and Huon Collaboration and the Derwent Estuary Program	100	100	●	100	100	●	Derwent Estuary Program ongoing but D'Entrecasteaux Huon ceased
3.5.4 Collaborate with key stakeholders to contribute to the recovery of threatened species and threatened vegetation communities using innovative methods and the latest research	100	100	●	100	100	●	Recovery actions delivered to support the forty spotted pardalote including habitat plantings and restoration and the installation of nest boxes. Participation in the national forty spotted pardalote recovery team. Restoration activities to protect swift parrot habitat including revegetation. Participation on the steering committee of Threatened plants and ecological communities project for NRM South. Trialling assessment of Masked Owl habitat at a Council reserve using a detector dog. Browns River Saltmarsh project delivered to improve condition of threatened saltmarsh communities. Orchid monitoring at Hawthorn, Yalaroo and Denison street reserves.
3.5.5 Develop and implement a biodiversity monitoring program for natural area reserves to improve knowledge of the values present and facilitate adaptive management programs	100	75	→	100	75	→	Wildlife monitoring protocols and training completed. Vegetation Condition assessments completed at designated sites.